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ABSTRACT

Approximately one in four schools in the United States today is a private school. This handbook was designed to inform representatives of children enrolled in private elementary and secondary schools of the resources available to them through federal education programs. The handbook also provides useful materials to public school officials who administer federal education programs on behalf of children attending private schools. Chapter 1 provides background information on the U.S. Department of Education, the Office of Non-Public Education, and the world of private schools in the United States. The second chapter provides information on the U.S. Department of Education programs, which are formula grant programs authorized under the Elementary and Secondary Education Act, that provide benefits to students attending private schools. Special initiatives at the U.S. Department of Education that are of interest to private school educators are discussed in chapter 3. Information on programs outside of the U.S. Department of Education are offered in the fourth chapter. Three figures and two tables are included. Appendices contain contact information. (LMI)

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ED 403 661

Serving Private School Students With Federal Education Programs

--A handbook for public and private school educators--

Office of Non-Public Education
U.S. Department of Education
October 1996

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Chapter 1.....Background

Introduction

Serving Private School Students With Federal Education Programs is a revision of a handbook by the same title published by the U.S. Department of Education, Office of Non-Public Education, in October 1992. Since that time, much of the legislation that governs the provision of services to private school students has been reauthorized and has undergone changes that may alter the manner in which these services are provided.

This publication is organized into four chapters. Chapter 1 provides background information on the U.S. Department of Education, the Office of Non-Public Education, and the world of private schools in the United States. Chapter 2 provides information on U.S. Department of Education programs that provide benefits to students attending private schools. Chapter 3 discusses special initiatives at the U.S. Department of Education of interest to private school educators. Chapter 4 provides information on programs outside of the U.S. Department of Education.

The purposes of this handbook are: to inform representatives of children enrolled in private elementary and secondary schools of the resources available through federal education programs, so that those students and teachers can fully participate in services provided through these programs; and to provide other materials useful to public school officials who administer federal education programs on behalf of children attending private schools. **This document is intended to provide helpful guidance. It creates no new rights or responsibilities. Readers are encouraged to consult the full text of relevant case law, statutes, and regulations.**

Some programs and initiatives use the term "private school"; other programs and initiatives use the term "non-public school". Therefore, in this handbook, the terms "private school" and "non-public school" are used interchangeably.

U.S. Department of Education

The U.S. Department of Education, headquartered in Washington, D.C., provides an important leadership function for education throughout the nation. The Department is the agency of the U.S. government that administers federal funds for education programs, conducts and disseminates education research, focuses national attention on issues and problems in education, enforces federal statutes prohibiting discrimination in education activities receiving federal funds, and ensures equal access to education for every individual. It is the Department's mission to ensure equal access to education and to promote educational excellence throughout the nation.

To assist in this mission, the Department maintains ten regional offices located throughout the country. These regional offices, each directed by a Secretary's Regional Representative, provide leadership and assistance to local school systems, colleges and universities, businesses and community groups in support of local schools and the general public. A list of regional offices is included in the Appendix.

Office of Non-Public Education

The Office of Non-Public Education, formerly called the Office of Private Education, was established in 1971 in the U.S. Department of Health, Education, and Welfare. The office continued under the new Department of Education and is located within the Office of Intergovernmental and Interagency Affairs (OIIA). It is authorized under section 214 of the Department of Education Organization Act. The director of the office is the principal advisor to the U.S. Secretary of Education on departmental matters relating to the education of students enrolled in non-public elementary and secondary schools.

The three functions of the Office of Non-Public Education are:

* To foster maximum participation of non-public school students in all federal education programs for which they are eligible.

* To recommend to the secretary changes in law, regulations, or policies that would increase the availability of educational services to non-public school students.

* To review departmental programs and procedures to ensure that services for non-public school students are provided as required by law.

The Office of Non-Public Education works with the principal offices of the Department on matters of legislation, regulation, and policy when these matters concern private schools and their students, teachers, and families. Equally important, the Office of Non-Public Education works with a wide array of private school groups, bringing their concerns, ideas, and suggestions to the secretary, informing the private school leadership of departmental policy and initiatives, and serving as liaison between private school representatives and principal offices of the Department.

The Office of Non-Public Education can be reached by contacting:

Office of Non-Public Education
U.S. Department of Education
600 Independence Avenue, SW
Washington, D.C. 20202-0122
Telephone: 202/401-1365
Fax: 202/401-1971

Statistical Information About Non-Public Education in the United States

BACKGROUND

In the fall of 1996, a record 51.7 million students entered the nation's classrooms. This enrollment eclipsed the previous mark set in 1971 of 51.3 million students in public and private elementary and secondary schools. Increases are expected to continue over the next decade, reaching 54.6 million in the year 2006[1]. This "baby boom echo"--the children of the baby boom generation who are now in school--places a serious demand on both public and private schools and on the resources of the community. More than a ten percent increase in student enrollment over the next ten years is expected in Alabama,

[1]U.S. Department of Education, "A Back to School Special Report: The Baby Boom Echo," August 21, 1996.

Alaska, California, Delaware, Hawaii, Maryland, Oregon, and Washington. In all, 33 states will have rising enrollments, mostly in the Far West and Southwest; 17 states and the District of Columbia will experience a decrease in enrollment. These challenges to schools due to enrollment changes will affect both public and private schools.

Private Schools and Their Enrollment[2]

Approximately one in four schools in the United States today is a private school. The number of private schools reported in 1993–94 (latest data available) is 26,093. The National Center for Education Statistics uses a nine-category typology to count private schools. The first major category is Catholic, with three sub-categories: parochial, diocesan, and private order. The second major category is Other Religious, with three sub-categories: conservative Christian (schools holding membership in major conservative Christian schools associations), affiliated (with a major denomination), and unaffiliated. The third major category is Non-Sectarian, with three sub-categories: regular, special emphasis, and special education.

The number of private schools in 1993–94, by type:

PRIVATE SCHOOL TYPE	*NUMBER OF SCHOOLS*
ALL PRIVATE SCHOOLS	**26,093**
Catholic	**8,331**
Parochial	5,127
Diocesan	2,371
Private order	833
Other religious	**12,222**
Conservative Christian	4,530
Affiliated	3,640
Unaffiliated	4,051

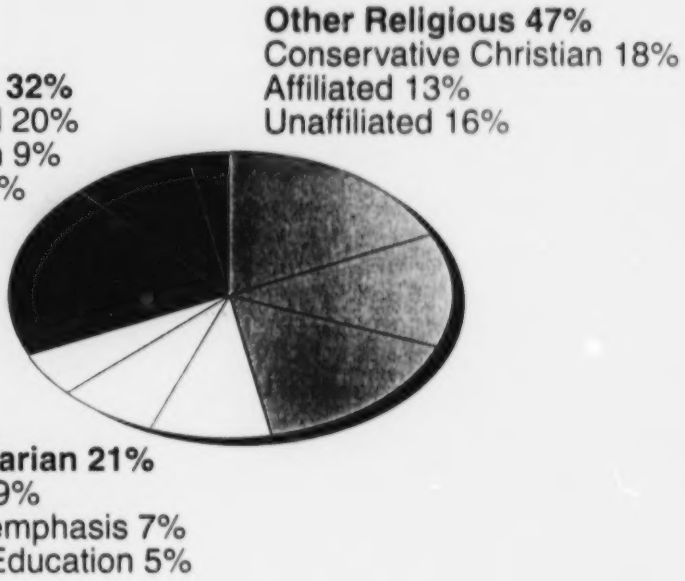
[2]Unless otherwise noted, statistics in this section are derived from the U.S. Department of Education, National Center for Educational Statistics, Schools and Staffing Survey, 1993–94.

Non-Sectarian	**5,541**
Regular	2,198
Special emphasis	2,106
Special education	1,237

According to these 1993–94 figures, Catholic schools comprise 32 percent of the total number of private schools; other religious schools comprise 47 percent of the total number of private schools; and non-sectarian schools comprise 21 percent of the total number of private schools. Three years earlier, in the 1990–91 Schools and Staffing Survey, the National Center for Education Statistics reported that Catholic schools were 35 percent of the total number of private schools; other religious were 47 percent of the total; and non-sectarian were 18 percent of the total number of private schools.

The figures for 1993–94 are depicted in the following pie chart:

Private Schools in the United States
(Percentage by Type of Control)



There is a change in percentages when the number of students rather than the number of schools is considered. The following chart indicates the number of students in private schools following the nine category typology.

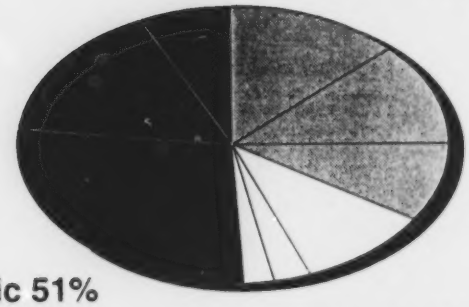
The number of students in private schools in 1993–94, by type:

PRIVATE SCHOOL TYPE	*NUMBER OF STUDENTS*
ALL PRIVATE SCHOOLS	**4,836,442**
Catholic	**2,488,101**
Parochial	1,409,828
Diocesan	751,175
Private order	327,097
Other religious	**1,629,581**
Conservative Christian	610,578
Affiliated	593,647
Unaffiliated	425,356
Non-sectarian	**718,761**
Regular	481,423
Special emphasis	163,251
Special education	74,087

The percentages represented by these enrollment figures are as follows: Catholic schools educate 51 percent of the private school population; other religious schools educate 34 percent of private school students; and non-sectarian schools educate 15 percent of the private school population. This compares with figures from the 1990–91 Schools and Staffing Survey of 55 percent of private school students educated in Catholic schools; 31 percent of private school students educated in other religious schools; and 14 percent of private school students educated in non-sectarian schools.

The following pie chart illustrates the percentage distribution of students in 1993–94:

Private School Enrollment in the United States
(Percentage by Type of Control)



A picture of the nation's private school enrollment emerges when comparing public and private school enrollment figures. Overall, private school students compose 11.1 percent of the school-age population in the United States. Enrollment by state is depicted on the following map[3]:

[3]U.S. Department of Education, National Center for Education Statistics, Private School Survey, 1993–94 and U.S. Department of Education, National Center for Education Statistics, Common Core of Date surveys, Fall 1993.

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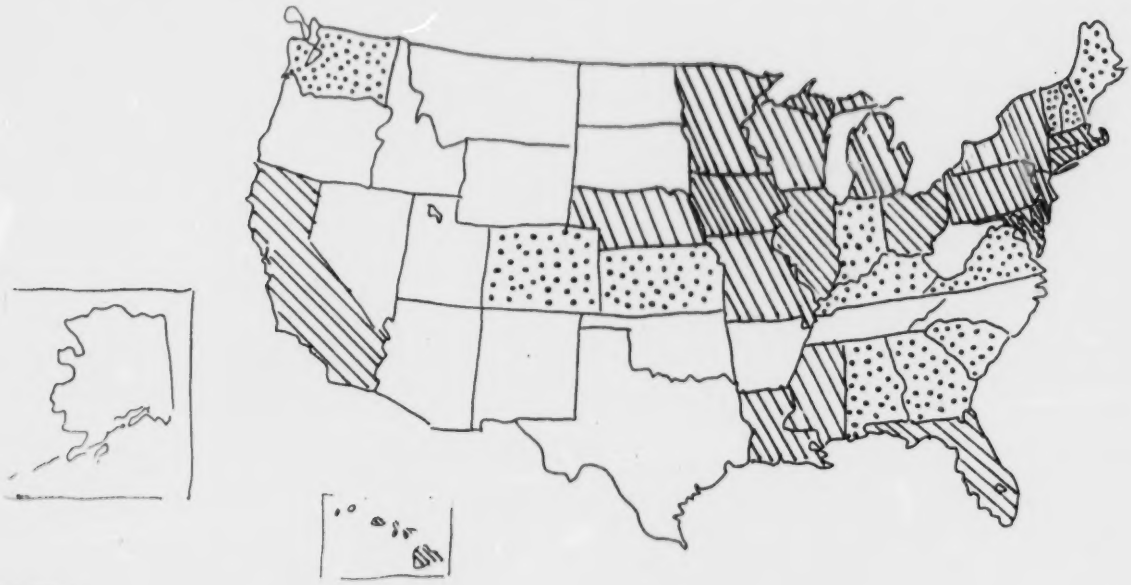
Private School Enrollment by State, 1993–94



Greater than 10 percent of school-age children enrolled in private school

California, Connecticut, Delaware, District of Columbia, Florida, Hawaii, Illinois, Iowa, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Wisconsin

Seven percent to 9.9 percent of school-age children enrolled in private schools

Alabama, Colorado, Georgia, Indiana, Kansas, Kentucky, Maine, New Hampshire, South Carolina, Vermont, Virginia, Washington

Less than 7 percent of school-age children enrolled in private schools

Alaska, Arizona, Arkansas, Idaho, Montana, Nevada, New Mexico, North Carolina, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, West Virginia, Wyoming

Additional statistics on private schools and their enrollment, including a breakdown of schools, students, and teachers by private school association membership; and by size, location, school level and program emphasis are available by calling or writing the National Center for Education Statistics, 555 New Jersey Avenue, NW, Washington, D.C. 20208, phone 202/219-1828.

Chapter 2.....U. S. Department of Education Programs Serving Private School Students

Formula Grant Programs Authorized Under the Elementary and Secondary Education Act

The Improving America's Schools Act, signed into law by President Clinton in October 1994, reauthorized the Elementary and Secondary Education Act (ESEA). ESEA was originally passed by Congress in 1965 and the law authorized programs to benefit educationally needy elementary and secondary students living in areas with high concentrations of children from low-income families. The purpose of the reauthorized ESEA is to improve teaching and learning for all children to enable them to meet challenging academic content and student performance standards.

This section of the handbook describes "formula" grant programs authorized under ESEA. Generally, a formula grant is a grant of funds to the state or local education agency based on a pre-determined formula, such as the number of children enrolled by grade or the number of children from low-income families.

Under the reauthorized ESEA, as in the previous ESEA, private school students, teachers, and other personnel are included in these programs. Private schools receive no direct aid from these programs. Program funds are granted to the public authorities (usually a local education agency or public school district) who are in turn responsible for serving eligible students, teachers, and other personnel within their boundaries, whether they attend public or private school. The formula, requirements, and procedures vary by program, but the principle of the public authority's responsibility for all eligible students within its jurisdiction remains constant.

To ensure that private school students, teachers, and other personnel have every opportunity to participate in federal education programs for which they are eligible, private school officials should contact their local public school district and ask for the person in charge of coordinating federal education programs. In larger districts, several people will be involved and could be assigned by program; in smaller districts, there is often just one person who coordinates the involvement of students, teachers, and other personnel in all of the federal education programs in which the district participates. It is

important for private school officials to establish a positive, productive working relationship with this person or persons. Questions are more easily answered and difficulties more easily worked out when the officials involved have met to discuss the issues beforehand.

Private school officials should consider the following:

- Make sure their school or group of schools is on the mailing list of the local education agency or public school district (LEA) and state education agency (SEA) so that notices will be received in a timely manner. Be sure that the LEA and SEA have the correct name and address of the designated private school officials.

- Take an active part in the consultation process, finding out in advance the purpose of the programs and the criteria that are used to identify eligible children, teachers, and other personnel for each program.

- Encourage the private school community--parents, teachers, administrators--to take an active role in assessing student needs and planning a program to meet those needs.

- Invite staff members and parent representatives to LEA and SEA meetings, as appropriate, to help in the discussion of student, teacher, and other personnel needs.

- Be prepared to describe how the services being discussed will help meet the particular needs of the students, teachers, and other personnel.

- Engage in early and frequent contact with public school officials so that public and private school officials are part of the consultation process throughout each phase of the project.

- Give the LEA a copy of the private school calendar, including starting and dismissal times, and notify the LEA as soon as possible of any unscheduled change in calendar.

- If a problem arises, try to resolve it through personal contact and by following the chains of command in the public and private school systems.

Part A of Title I--Helping Disadvantaged Children Meet High Standards

Introduction

Part A of Title I of ESEA, Improving Basic Programs Operated by Local Educational Agencies, is designed to help disadvantaged children meet challenging content and student performance standards. Part A of Title I provides financial assistance state education agencies (SEAs) to local education agencies (LEAs) to meet the educational needs of children who are failing or most at risk of failing to meet a state's challenging content and student performance standards in school attendance areas and schools with high concentrations of children from low-income families.

Part A embraces the following fundamental strategies to address the needs of children served:

- A schoolwide focus on improving teaching and learning;
- Flexibility at the local level in tandem with clear accountability for results;
- More focused targeting of resources on the neediest schools; and
- Stronger partnerships between schools and communities to support the achievement of children served.

Section 1120 of Title I requires that an LEA provide eligible private school children with Title I educational services or other benefits that are equitable to those provided to eligible public school children. Title I services for eligible private school children must be developed in consultation with private school officials. The location of instructional services under Part A of Title I for private school children is limited by the U.S. Supreme Court's decision in *Aguilar v. Felton*[4].

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[4]In *Aguilar v. Felton*, 473 U.S. 402 (1985), the Supreme Court ruled that the provision of Chapter 1 (the current Title I, Part A program) instructional services by private school teachers to religious school children in religious school buildings constituted "excessive entanglement"

Consultation Between Public and Private School Officials

Section 1120 [b] of Title I of requires that consultation by an LEA with private school officials be "timely and meaningful." Therefore, consultation must take place before an LEA makes any decision that affects the opportunities of eligible private school children to participate in Title I programs. An LEA must consult with private school officials during the design and development of the LEA's Part A programs, on issues such as:

- How children's needs will be identified;
- What services will be offered;
- How and where the services will be provided;
- How the services will be assessed;
- The size and scope of the equitable services to be provided to eligible private school children and the amount of funds to be used for those services;
- The results of the LEA selection process for participating school attendance areas;
- Data for each participating area regarding grade span, number of low-income public and private school children residing in the area, and per-pupil allocation for instructional services;
- The reservation of funds "off the top" of the LEA's allocation for LEA-wide activities and the inclusion of private school parents, teachers, and students in these activities, as appropriate; and

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between government and religion in violation of the First Amendment of the U.S. Constitution. Secretary of Education Richard W. Riley, in July 1995, issued a statement in support of the reconsideration of *Felton* in an appropriate case. A copy of Secretary Riley's statement on *Aguilar v. Felton* is found in the Appendix. The Secretary has also issued a policy letter stating that the *Felton* decision need not be applied beyond the circumstances clearly addressed by that case and therefore it need not have the effect of prohibiting on-premises services to religious school students in other Federal programs. A copy of this letter is contained in the Appendix.

- "Off the top" costs for administration and compliance with *Aguilar v. Felton*, including the amount of money available from capital expense funds.

The consultation process must include ongoing coordination of services in order to provide private school participants an optimal opportunity to reach challenging standards. It is, therefore, very important that Title I teachers and LEA officials consult with private school officials and instructional staff throughout the program cycle in order to coordinate Title I services with regular classroom instruction.

For a fuller discussion of the issue of consultation, read *Policy Guidance for Title I, Part A*. (See "Providing Services to Eligible Private School Children, pages 1–2). A copy of this policy guidance can be obtained by calling 202/260-0826 or writing to the Office of Elementary and Secondary Education, Compensatory Education Programs, Portals Building, 600 Independence Avenue, SW, Washington, D.C. 20202-6132.

Generating Funds for Services to Eligible Private School Students

Under Section 1113 of Title I, public school attendance areas are generally eligible to participate in Title I if the percentage of children from low-income families is at least as high as the percentage of children from low-income families in the LEA as a whole. An LEA ranks its eligible areas and selects, in rank order, those areas that the LEA will serve. For areas above 75 percent poverty, the LEA must serve them without regard to grade span; thus, high-poverty middle and high schools must be served. After an LEA has selected for services all attendance areas above 75 percent poverty, the LEA may serve lower ranked areas by grade-span groupings.

In identifying and ranking eligible public school attendance areas, an LEA generally should, if possible, take into consideration data on the number of children from low-income families who reside in each area and attend private schools. These data may not be available for private school students throughout the LEA, however; thus the LEA may identify and rank its eligible areas on the basis of children from low-income families attending public school only.

Under Section 1113(c) of Title I, an LEA must allocate funds to a participating public school attendance area or school on the basis of the **total** number of children from low-income families, including low-income children attending private schools. Thus, the LEA, in consultation with private school officials, must obtain the best poverty data on

private school children who reside in participating school attendance areas. Because private school officials may have access to some sources of poverty information not easily accessible to public school officials, it is very important that public and private school officials cooperate in this effort. The responsibility for collection of data, however, does rest with the LEA.

An LEA may use any of the following methods to obtain poverty data on private school children. The choice of method is decided in consultation between public and private school officials.

1. Data from the same source (e.g. free and reduced-price lunch data).

2. Comparable data (e.g. the LEA uses free and reduced-price lunch data but the private school children do not participate in the free lunch program; however, private school officials are able to provide the LEA a count of children who would be eligible for free and reduced-price lunches using other sources of poverty data, such as a survey of parents).

3. Extrapolation from a representative sample of actual data (e.g. the private school officials conduct a survey as explained in #2 above, but all survey forms are not returned; the LEA extrapolates the number of low-income private school children from actual data on the surveys that were returned).

4. Correlation of sources of poverty data, i.e. AFDC in public schools is to free and reduced-price lunch in public schools as AFDC in private schools is to X [correlated free and reduced-price lunch in private schools]).

After reserving off-the-top costs, for example, for services to local institutions for neglected children, administration of Title I programs, and costs of compliance with *Aguilar v. Felton*, the LEA allocates funds to public school attendance areas selected to participate in Title I. The LEA determines a per-pupil allocation for each participating area and distributes that amount for each low-income child--public and private--residing in the area.

To provide equitable services to private school children, the LEA then reserves the amounts generated by poor private school children who reside in participating public school attendance areas. In consultation, the LEA and private school officials determine

how funds to benefit private school students will be distributed. They may choose to provide equitable services to eligible children in each private school with the funds generated by children from low-income families who reside in participating public school attendance areas and who attend that private school.

They may also choose to combine the funds generated by low-income private school children in all participating areas to create a pool of funds from which the LEA provides equitable services to eligible private school children, residing in participating public school attendance areas, who are in the greatest educational need of these services. Finally, they may choose to exercise a combination of these options.

For a fuller discussion on the issue of generating funds for services to private school students, consult *Policy Guidance for Title I, Part A.* (See "Providing Services to Eligible Private School Children", pages 3–10). Ordering information may be found on page 15.

Equitable Participation of Eligible Private School Students

To the extent consistent with the number of eligible children identified in an LEA who are enrolled in private elementary or secondary schools, an LEA shall, after timely and meaningful consultation with appropriate private school officials, provide eligible private school children with Title I services. These services must be equitable in comparison to services and other benefits provided public school participants. The delivery options selected must be in compliance with the U.S. Supreme Court case, *Aguilar v. Felton.*

To be eligible to receive Title I services, a private school child must reside in a participating public school attendance area and must meet the criteria in section 1115(b) of Title I. Under that section, certain children would be eligible by virtue of their status: for example, homeless children and children who in the preceding two years participated in Head Start of Even Start. However, the criterion that a student is failing, or most at risk of failing, to meet the State's challenging student content and performance standards is, for the majority of private school children, likely to be the criterion against which eligibility for Title I services will be determined.

In consultation with private school officials, an LEA must establish criteria to determine which private school children are eligible and, within the eligible group, which children will be served. To the extent appropriate, the LEA must select private school children

who are failing, or most at risk of failing, to meet the State's student content and performance standards. If the LEA, in consultation with private school officials, determines that it is inappropriate to select private school children on the basis of the State's content and student performance standards, the LEA must select private school children who are failing, or most at risk of failing, to meet high levels of achievement comparable to those required by the State's content and performance standards.

Once students are selected, the LEA, in consultation with private school officials, determines what Title I services are to be provided. The private school students' needs will determine what Title I services are appropriate and services may be provided in subject areas of grade levels that are different form those provided to public school students. The type of services provided must give reasonable promise that the children will make adequate progress toward achieving the State's challenging student performance standards.

Because eligibility for services is determined by residence in a participating public school attendance area, private school students being served need to reside in an eligible participating public school attendance area. Therefore, if a public middle school attendance area is not participating in Title I, Title I services may not be provided to private school students in middle school grades that reside in that area.

In the case of children attending religiously affiliated private schools, several court cases, most notably *Aguilar v. Felton*, have dealt with the manner in which these children may be served in light of constitutional requirements contained in the First Amendment. Most significant is the prohibition in *Aguilar v. Felton* against Title I personnel providing instructional services in religiously affiliated schools. Because of this prohibition, an LEA must provide equitable services through alternate delivery methods.

Some of the questions that should be considered when determining what delivery system to use in ensuring the equitable participation of private school children include: Does the system provide an opportunity for private school children to participate in Title I services that is equitable to the opportunity provided to public school children? How much instructional time is lost going to and from the instructional services? What are the safety factors involved in children going to and from the Title I class?

Delivery options[5] in providing services to participating private school children include, but are not limited to:

- Instructional services provided at a public school site, other public and privately owned neutral sites, or in mobile vans or portable units;
- Educational radio or television;
- Computer-assisted instruction;
- Extended-day services;
- Home tutoring;
- Take-home computers; and
- Interactive technology.

An LEA may provide Title I services directly or through contracts with public and private agencies, organizations, and institutions, as long as those entities are independent of the private school and of any religious organization in the provision of those services.

For a fuller discussion of the equitable participation of private school children, consult *Policy Guidance for Title I, Part A*, (see section entitled "Providing Services to Eligible Private School Children", page 10–24) Ordering information may be found on page 15.

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[5]For a discussion of service delivery locations and options for religious-school students under Chapter 1 (currently Title I), see *Chapter 1 Services to Religious-School Students, A Supplemental Volume to the National Assessment of the Chapter 1 Program*, published for the U.S. Department of Education by Policy Studies Associates in June 1993. Of particular interest is Chapter 3, "Characteristics of Chapter 1 Services for Religious-School Participants". For a discussion of the option of computer-assisted instruction, see *The Use of Computer-Assisted Instruction in Chapter 1 Programs Serving Sectarian Private School Students*, published for the U.S. Department of Education by Policy Studies Associates in December 1992.

Parental Involvement

When schools work together with families to support learning, children learn more and schools work better. Three decades of research have shown that parental participation in schooling improves student learning. Such participation of parents and families is critical not only in the very beginning of the education process but throughout a child's entire academic career. Title I, Part A has been restructured to serve as a means for helping all students to achieve challenging academic standards. To accomplish this objective, Title I, Part A promotes the formation of new partnerships, particularly home-school partnerships, to help address more completely the full range of student needs that impact on their learning.

Parental participation, **including the participation of parents of participating private school students**, is on several levels. For a fuller discussion on the participation of parents on the SEA and LEA levels, consult *Policy Guidance for Title I, Part A* (See section entitled "Parental Involvement). Ordering information is contained on page 15.

In addition to an LEA parent involvement policy, each participating public school must jointly develop with, and distribute to, parents of participating children a written parental involvement policy, agreed upon by these parents, that describes the means for carrying out school-level policy, sharing responsibility for high student performance, building capacity of school staff and parents for involvement, and increasing accessibility for participation of parents with limited English proficiency or with disabilities. In order to define the shared responsibility of parents and the school for high student performance, parents of participating Title I children and school officials jointly develop a parent-school compact.

The parent-school compact is a written agreement of shared responsibility that defines goals and expectations of schools and parents as partners in the effort to improve student achievement. It describes a school's responsibility to provide high-quality curriculum and instruction in a supportive and effective learning environment; describes ways in which parents will be responsible for supporting their children's learning, such as monitoring attendance, homework completion, volunteering in their children's classrooms, and encouraging the positive use of extracurricular time; and addresses the importance of establishing ongoing, good communication between parents and teachers. This school-parent compact must be reviewed and updated periodically with parents of participating children and school officials.

An LEA must involve parents of participating private school students in these activities. Activities for parents of private school participants must be designed in consultation with private school officials and parents. Furthermore, an LEA has the responsibility for consulting with private school officials and parents of participating private school children to jointly develop a compact between the LEA and parents of private school participants that outlines their shared responsibility for improved student achievement under Title I. A compact between the private school and participating private school children is not required, however.

If an LEA reserves funds "off the top" of its Title I allocation for carrying out Title I parental involvement activities, the LEA must involve parents of private school participants in those activities. If, instead, the LEA requires its Title I schools to provide parental involvement activities for public school parents from the Title I funds the schools receive, the LEA must provide activities for private school parents from the funds generated for providing services to private school children.

Professional Development

Professional development is another major emphasis of Title I. Section 1119 contains provisions for required professional development activities. Many other sections of Title I also include references to professional development.

Private school officials and staff who work directly with private school children who participate in Title I may be included in professional development activities. In addition, parents of private school participants may participate in professional development activities if appropriate. Public school teachers who provide Title I services to private school children must be provided professional development, if needed.

Professional development activities must support instructional practices that are geared to challenging state content standards and create a school environment conducive to high achievement in academic subjects. A fuller discussion of professional development under Title I is found in *Policy Guidance for Title I, Part A*. (See section entitled "Professional Development") Ordering information may be found on page 15.

As with parental involvement costs, if an LEA reserves funds "off the top" of its Title I allocation for carrying out Title I professional development activities, the LEA may involve teachers of participating private school children in those activities. If, instead, the

LEA requires its Title I schools to provide professional development activities for public school teachers from the funds the schools receive, the LEA must provide activities for teachers of participating private school children from the funds generated for providing services to private school children. An LEA has the responsibility for consulting with private school officials to jointly develop a professional development plan that will meet the needs of participating private school children.

Complaint Procedures Under Title I

Complaint procedures under Title I, Part A are the same as for other covered programs authorized by ESEA. If a private school official believes that private school children are not receiving equitable services under Title I or believes that other requirements of the law are not being followed which could result in non-equitable services being provided to private school children, the law provides a procedure to follow to ensure that the issue is resolved. If the private school official has a complaint about the services being provided or the procedure being followed to provide these services, the private school official should first bring this issue to the attention of the LEA. If the issue remains unresolved, the private school official should appeal to the SEA for resolution. If the SEA does not resolve the issue to the satisfaction of the private school official or does not do so in a timely manner, the private school official has the right to appeal to the U.S. Secretary of Education. The appeal must be made within 30 days of the state's response. Once a formal complaint is received by the U.S. Department of Education, the Department is required to resolve the complaint within 120 days. The Department will work with all parties to ensure that the law is upheld and that the best interests of the children to be served are paramount.

For further information on the complaint procedure, please contact the U.S. Department of Education's Office of Non-Public Education, 600 Independence Avenue, SW, Washington, D.C. 20202-0122 or by phone at 202/401-1365.

Title II--Dwight D. Eisenhower Professional Development Program

Introduction

The Dwight D. Eisenhower Professional Development Program supports local, state, and federal efforts to stimulate and provide the sustained and intensive, high-quality professional development in the core academic subjects that is needed to help students meet challenging state content and student performance standards and thus achieve the National Education Goals.

At the option of the state and local education agencies, the Eisenhower Professional Development program can support professional development in all the core academic subjects. However, to ensure the continuity of professional development that was supported by the program's predecessor in math and science, the state and local shares of the first $250 million in appropriated funds must be devoted to professional development in these subjects.

State and local professional development activities must be guided by plans for a long-term strategy for providing sustained and intensive, high-quality professional development that is tied to challenging content standards and is needed to improve teaching and learning. Of the Title II funds going to the states, 84 percent must be allocated as grants to LEAs and 16 percent to the state agency for higher education, which administers grants to institutions of higher education and non-profit organizations. One-half of this grant money is allocated on the basis of the LEAs Title I allocation for the previous year; the remaining half is allocated on the basis of total number of students, including private school students who reside in each state. Subgrants to LEAs are based on similar criteria for each LEA in the state.

Participation of Private School Students

The participation of private school students under Title II is governed by the Uniform Provisions contained in Section 14503-14509 of Part E of Title XIV of IASA. The Uniform Provisions provide for equitable participation of private school students and timely and meaningful consultation between public and private school officials. (See pages 29–31 for specifics on the requirements of Title XIV).

The amount of funds per student that an LEA provides for the benefit of private school teachers and students must be equal to the amount of funds per student that benefit the LEA's public school teachers and students, taking into account the number and educational needs of those teachers and students. A program is designed, in consultation between public and private school officials, that meets the needs of the private school teachers and students. This program can be different from the public school program if the needs of the students are different. Timely and meaningful consultation requires that public and private school officials discuss the needs of the students and the subsequent professional development needs of the teachers before any decision is made that could adversely affect the ability of private school teachers to fully participate in the benefits of Title II. As for public school teachers, the professional development program designed for the teachers of private school children must be of high quality, sustained, and intensive.

Title III--Technology for Education

Introduction

Part A of Title III, Technology Education for All Students, provides for the equitable participation of private school students through a formula grant program. The specifics for the equitable participation of private school students are governed by Sections 14503–14509 of Part E of Title XIV of IASA. Technology Education for All Students represents a commitment on the part of Congress and the Department to promote the use of educational technology to support school reform and to assist schools in adopting educational uses of technology to enhance curricula, instruction, and administrative support to improve the delivery of educational services and to help achieve the National Education Goals.

Program Descriptions and Participation of Private School Students

Three programs are authorized under Part A of Title III:

- *National Programs for Technology in Education*: Under this program, the Secretary is required to develop a long-range technology plan that sets out how the Department and other agencies will promote the use of technology to support

education reform and provides broad authority for federal leadership in educational technology. Technology in Education conferences are held in which provisions are made for the participation of representatives of private school students.

- *State and Local Programs for School Technology Resources*: This program authorizes grants to states by formula with competitive awards being made to school districts for technology resources, including hardware and software, ongoing professional development for teachers, connection to wide-area networks, and educational services for adults and families. Title XIV applies to the competitive awards received by school districts, including the provision for timely and meaningful consultation before any decision is made that would adversely affect the ability of private school students to benefit from the program.

  When appropriations for State and Local Programs for School Technology Resources are less than $62 million, the law authorizes a discretionary grant program, *National Challenge Grants for Technology in Education*. This is a unique program designed to stimulate effective applications of new learning technologies in communities across the country. Applications are submitted by an LEA on behalf of a consortium of partners (one of which must be an LEA with a high percentage or number of children living below the poverty line) with appropriate resources to address the needs identified in the community. State education agencies, colleges and universities, telecommunications firms and entertainment producers, software developers and hardware manufacturers, libraries and museum, community centers and local businesses, and **private schools and groups of private schools** may all be consortium members using information technologies to create new learning communities.

  Private schools can participate in two ways. First, private schools are eligible to participate in a consortium applying through an LEA for a Challenge Grant. In doing so, the private school (or group of private schools) assumes the role of partner in the consortium. Second, if private schools are not participants in the consortium, private school students and teachers must receive equitable benefits from the federal portion of the funds, as providing under Title XIV. Private school officials must be provided the opportunity, prior to the design of the program, to provide input regarding the needs of private school students to be served by the project.

For further information on Challenge Grants for Technology in Education, contact the Office of Non-Public Education, 600 Independence Avenue, SW, Washington, D.C. 20202-0122 or by phone at 202/401-1365.

Regional Technical Support and Professional Development: A listing of the regional technical support consortia is provided in the Appendix. The role of regional technical support consortia is to provide technical assistance and information, provide professional development, and disseminate information for educational technology.

For a full description of the requirements under the Uniform Provisions for the participation of private school students under Title XIV, see pages 29–31.

Title IV--Safe and Drug-Free Schools and Communities

Introduction

Title IV of ESEA authorizes the U.S. Department of Education to continue the support of school- and community-based drug education and prevention programming and expands the scope of the program to authorize activities designed to prevent youth violence. Funds are awarded to both the Governor (20 percent of the state's total allocation) and the SEA (80 percent of the state's total allocation). The program targets resources by allocating 50 percent of funds to states on the basis of the Title I formula and 50 percent on the basis of school-age population.

The Governor's funds can be used for grants or contracts to parents groups, community-based organizations, and job training agencies for programs such as disseminating information about drug and violence prevention; training parents, law enforcement officials, social service providers, and community leaders about drug and violence prevention; developing and implementing comprehensive community-based drug and violence prevention programs that link community resources with schools; before and after-school activities; and developing and implementing strategies to prevent gang violence and violence associated with intolerance and hatred.

The SEA allocates at least 91 percent of funds allocated to the SEA to the LEAs. Seventy percent of the SEA funds are allocated to the LEAs based upon the relative enrollments in

public and private nonprofit schools, the remaining 30 percent are allocated to the LEAs determined to have the greatest need. The SEA establishes criteria for greatest need, and must limit distribution to not more than 10 percent of the LEAs in the state, or five such agencies, whichever is greater.

Title IV adds violence prevention as a key element of the program and broadens the types of prevention programs that LEAs can support. Examples of programs that can be supported by the Safe and Drug-Free Schools Program include mentoring, comprehensive health education, community service and service learning projects, conflict resolution, peer mediation, and character education.

Participation of Private School Students

The uniform provisions of Sections 14503–14509 of Part E of Title XIV govern the participation of private school students in the Safe and Drug-Free Schools and Communities Program. Funds are allocated on an equitable basis, timely and meaningful consultation is conducted between public and private school officials, and the needs of private school students are considered in the design and development of the program. For a full description of the requirements under Title XIV, see pages 29–31.

Title VI--Innovative Education Program Strategies

Introduction

Innovative Education Program Strategies retains the flexibility of its predecessor, Chapter 2, while supporting activities that encourage school reform and educational innovation. Title VI supports a broad range of local activities in eight primary areas: technology related to implementing reform; acquisition and use of instructional and educational materials, including library materials and computer software; promising education reform projects such as magnet schools; programs for disadvantaged and at-risk children; literacy programs for students and their parents; programs for gifted and talented children; school reform efforts linked to Goals 2000; and school improvement programs or activities authorized under Title I.

Federal funds are allocated, by formula, to states, which then distribute at least 85 percent of the funds to LEAs with a priority on LEAs serving children from low-income families and children from sparsely populated areas.

Participation of Private School Students

Title VI contains language for the equitable participation of private school students. Section 6402(a)(1) of Part D of Title VI requires that LEAs provide, for the benefit of students within the LEA who are enrolled in private, nonprofit elementary and secondary schools, secular, neutral, and nonideological services, materials, and equipment. These services may include training of teachers of these students and repair, minor remodeling or construction of public facilities that may be necessary to provide services. If the LEA or school district does not carry out a Title VI project, the state shall make arrangements, such as through a contract, to ensure that private school students are provided with services to the extent that would have occurred if the LEA were participating in the program. In determining what Title VI services to provide for the benefit of private school students, an LEA must consult with appropriate private school officials. Finally, expenditures for Title VI services for private school students must be equal to expenditures for Title VI services for public school children within the LEA, taking into account the needs of children and other factors.

Title VII--Bilingual Education, Language Enhancement, and Language Acquisition Programs

Introduction

Title VII establishes four functional discretionary grant categories aligned with the Department's comprehensive educational reform efforts. The restructured programs are (1) three-year program development and implementation grants to initiate new programs; (2) two-year enhancement grants to improve existing programs; (3) five-year comprehensive school grants to develop projects integrated with the overall school program; and (4) five-year system-wide improvement grants for district-wide projects that serve a significant number of the limited English proficient students in a school district.

Section 7501 of Part E of Title VII defines "limited English proficient" as an individual not born in the United States or whose native language is not English or who comes from

an environment where a language other than English is dominant and who has sufficient difficulty speaking, reading, writing, or understanding the English language and whose difficulties may deny that person the opportunity to learn successfully in classrooms where the language of instruction is English or to participate fully in society.

In addition, Title VII authorizes the Foreign Language Assistance Program as a discretionary grant program to help SEAs and LEAs establish and improve foreign language instruction in elementary and secondary schools. As with other federal education programs, there is a requirement, unless waived, that federal program dollars be matched with funds from non-federal sources.

Title VII also authorizes the Emergency Immigrant Education Act. Under this program, funds are awarded, on a formula basis, to SEAs that have individual LEAs in which the number of immigrant public and non-public elementary and secondary students is at least 500 or at least 3 percent of the total number of students enrolled in the LEA's public or non-public schools during the fiscal year. The term immigrant children and youth is defined in section 7501 of Part E of Title VII as an individual aged 3 through 21, not born in any state, and have not been attending or more schools in any one or more states for more than three full academic years.

Participation of Private School Students

The participation of private school students is governed by the Uniforms Provisions of Title XIV. A full explanation of the provisions of Title XIV is contained below. While the provision of services under Title VII may pose challenges to the provision of equitable services, the consultation procedures outlined in Title XIV provide a forum for discussion and resolution of logistical challenges.

Part E of Title XIV--Uniform Provisions for the Participation of Private School Students

Sections 14503–14509 of Part E of Title XIV contain the Uniform Provisions that govern the participation of private school students, teachers and other personnel in programs covered by this section. This section applies to programs under part C of Title I, Migrant Education); Title II, Professional Development (other than section 2103 and part C of Title II); Title VII, Bilingual Education; Title III, Technology for Education (other than

part B--Star Schools); and part A of Title IV, Safe and Drug-Free Schools (other than section 4114).

Under Title XIV, the LEA is required to provide services to eligible private school children, teachers, and other personnel consistent with the number of eligible children enrolled in private elementary and secondary schools in the LEA. This same language is used in Title VI to define the LEA's responsibility to provide services to eligible private school children. This differs from the Title I requirement that requires the LEA to service private school children who **reside in the LEA**. Titles VI and XIV require that the LEA serve eligible private school children **enrolled in private schools located in the LEA**.

Title XIV contains requirements for timely and meaningful consultation. This consultation between public and private school officials must occur before any decision is made that could adversely affect the ability of private school students to participate and must continue through all phases of the program. The consultation must include how children's needs will be identified, what services will be offered, how and where the services will be provided, how the services will be assessed, and the amount of funds to be used for those services.

The goal of the consultation process is to design and implement a program that will provide equitable services to eligible private school students. This includes equal per pupil expenditures for public and private school students, an equal opportunity to participate in the benefits of the program, and an offer of services that is equitable.

Finally, Title XIV contains procedures to follow if private school officials do not believe that an equitable program is being offered or implemented. The first step is for private school officials to discuss this with LEA representatives. If the problem cannot be resolved, the private school officials should appeal to the SEA. If the SEA does not solve the problem to the satisfaction of the private school officials or does not reply to the appeal within a reasonable period of time, the private school officials should write to the U.S. Secretary of Education for resolution of the complaint. This request should occur no later than 30 days following the response by the SEA. The secretary has 120 days in which to resolve the complaint and will do so by working with both public and private school officials to reach resolution.

If the complaint cannot be resolved, a bypass could result. Title XIV contains the procedures that must be followed if a bypass is being sought by the U.S. Department of

Education. (At present, the LEAs in two states--Missouri and Virginia--are bypassed under Part A of Title I because of state legal restrictions, not because complaints could not be resolved). Questions about the formal complaint procedure should be referred to the Office of Non-Public Education, at 600 Independence Avenue, SW, Washington, D.C. 20202-0122; or at 202/401-1365.

Goals 2000: Educate America Act

Introduction

Goals 2000: Educate America Act is designed to support state and local education reform efforts that are aimed at helping all students meet challenging academic standards. It is based on lessons learned from state and local education improvement efforts sparked by the 1983 report *A Nation At Risk*. Goals 2000 represents the first federal education act that helps states and communities build on and coordinate their existing reform efforts rather than creating a new program. It provides funds to states and school districts for better teacher training and professional development, encourages parents to get more involved in the education of their children (a list of Goals 2000 Parent Information Centers is included in the Appendix), provides incentive grants for schools, communities, and states to support their own effective approach to improve student achievement, and promotes flexibility by providing authority for the secretary of education to waive certain regulations to assist states and local communities in implementing school improvements.[6] Importantly, it encourages **each state** to develop challenging academic standards for students.

Participation of Private School Students

At the request of private school teachers and administrators, information related to goals, standards, materials, and assessments developed with Goals 2000 funds must be made available. In addition, professional development opportunities supported by Goals 2000 funds must be made available to teachers and administrators in private schools in proportion to the number of students attending private schools in the state.

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[6]As in other federal education programs in which the secretary of education is granted waiver authority, the equitable participation of private school students cannot be waived.

Special Education Services Under the Individuals With Disabilities Education Act

Introduction

Part B of the Individuals With Disabilities Education Act (IDEA) requires states and school districts to locate, identify, and evaluate at public expense those students parentally placed at private schools who are suspected of having disabilities and needing special education and related services. This is part of the general school district responsibility, known as child find, for evaluating at public expense all students suspected of having disabilities from birth through twenty-one years of age, regardless of whether they attend public or private school. Since school districts are required by other provisions of the IDEA to conduct child find activities for all children suspected of having disabilities, including those in private schools, they do not meet their "equitable participation" obligations by merely providing screening, identification, and evaluation services to parentally placed students.

School districts must make available a free appropriate public education to those parentally placed students who are evaluated at public expense and determined to have disabilities. A free appropriate public education is made available at a public school setting or another appropriate setting determined by the district. The requirement to make available a free appropriate public education does not extend beyond these settings to a private school when the child with disabilities is parentally placed in that setting. However, school districts must provide parentally placed students with disabilities residing within their jurisdiction who are enrolled in private elementary and secondary schools a genuine opportunity for equitable participation in their special education program and make a free appropriate public education available to each eligible disabled student if the parents return their child to the public school. This obligation is owed to private school students as a group. These is no individual entitlement of parentally-placed private school students to receive services.

Even though Part B does not require that all parentally placed students with disabilities receive services, or that the full range of services be provided to those students the school district elects to serve, in designing how the school district will provide special education

services to private school students with disabilities, consideration must be given to the needs of all of the private school students with disabilities and the full range of services under Part B.

Consultation Requirements

School districts must consult with appropriate representatives of students enrolled in private schools in determining, among other matters, which parentally placed disabled students will receive benefits under the program, how the students' needs will be identified, the types of services to be offered, and the manner in which the services will be provided, including the site where the services are offered and how the services under Part B will be evaluated. This consultation between representatives of school districts and appropriate representatives of students enrolled in private schools must occur during all phases of the development and design of the school district's special education program under Part B.

Use of Federal Funds and Provision of Services

School districts are required to determine the extent of the participation of students with disabilities parentally-placed in private schools only in light of the Part B funds they receive, and **must** expend a share of those funds on parentally placed private school students with disabilities that is proportionate to the ratio of the number of students with disabilities residing within the school district enrolled in private elementary and secondary schools by their parents to the total number of students with disabilities in the school district. Although school districts are not required under federal law to use state and local funds in meeting their obligations to parentally placed students with disabilities under Part B, they may expend their own funds to supplement available Part B funds. Schools districts may not limit their participation of parentally placed students with disabilities to those aspects of their programs that are funded with Part B funds.

School districts must provide some free services to those parentally placed students with disabilities they choose to serve, but there are no specific services that school districts must make available to this group of students. Rather, through the consultation process mentioned above and in light of at least the amount of Part B funds received by the school district, school districts and representatives of private school children design the special education program and identify the students to be served and the services they will

receive. Within these parameters, school districts have broad discretion in providing special education services to specific students.

The Part B program benefits provided to parentally placed students with disabilities must be comparable in quality, scope, and opportunity for participation to the program benefits provided to public school students. The "comparable benefits" provision means that students in private schools must be given the same general types of services that public school students receive and these services must be of the same general quality. Examples of services that could be provided to parentally placed students with disabilities under Part B include speech pathology, occupational therapy, physical therapy, consultations with the private school classroom teacher, and teacher training and professional development for private school personnel. Equipment and supplies also can be provided to private school students with disabilities on the premises of the private school.

Location of Services and Limitations on Types of Services That Can Be Provided on the Premises of Religiously Affiliated Private Schools

The U.S. Department of Education continues to take the position, originally enunciated in 1985, that the Supreme Court's decision in *Aguilar v. Felton* (1985), which prohibits the provision of instructional services under Chapter 1 of the Education Consolidation and Improvement Act of 1981 [now Title I of the Elementary and Secondary Education Act, as amended] on the premises of religiously affiliated private schools, need not be applied beyond the circumstances clearly addressed by that case and therefore need not have the effect of prohibiting the provision of services under Part B to parentally placed disabled students on the premises of religiously affiliated private schools. For example, the U.S. Supreme Court held in the case of *Zobrest v. Catalina Foothills School District* (1993), that the Establishment Clause of the First Amendment to the U.S. Constitution did not prevent a school district from furnishing a student with a sign language interpreter in a sectarian school to facilitate his education at that school. The secretary of education issued a letter to superintendents explaining the Department's position on this issue. [See Appendix].

If school districts determine that they will provide parentally placed disabled students with services at a location other than the private school where their parents have enrolled them, school districts may be required to provide necessary transportation services for those students at no cost to the parents. The particulars of the transportation arrangement are determined on a case-by-case basis, in light of the particular facts and circumstances.

The relevant inquiry is whether transportation services are needed to enable the participation of a parentally placed disabled student whom the school district has determined, through the consultation process, to serve, in the program benefits offered by the local school district.

There are two general types of restrictions that apply to the provision of services on the premises of religiously affiliated private schools and to the students served by such a program. First, federal program funds are for the benefit of the eligible child but are not designed to provide a direct benefit to the private school at which the child is placed by his/her parents. Therefore, federal funds cannot be used for construction, remodeling, repair, operation, or maintenance of private religious facilities. Title and continuing administrative control of all equipment and supplies that a school district acquires with Part B funds must remain with the school district. However, a school district may place equipment and supplies in a private school for the period of time needed for the project if these can be removed from the private school without remodeling the private school facilities. Secondly, federal program funds, including equipment and supplies purchased with these funds, may not be used for religious worship, instruction, or proselytization.

Individualized Education Programs and Due Process Rights

The services that school districts have determined through consultation to provide to those private school students with disabilities they have elected to serve must be described in an individualized education program (IEP) in a manner that is appropriate for the student. The school district responsible for educating the student must initiate and conduct meetings for the purpose of developing and reviewing the disabled student's IEP periodically, but not less than annually, and if appropriate, revise its provisions. A representative of the private school must be invited to attend the meeting. If a representative from the private school cannot attend, the school district must use other methods to secure participation by the private school, including individual or conference telephone calls.

Parents of all students with disabilities parentally placed in private schools may initiate an impartial due process hearing on matters relating to the identification and evaluation of their child by the local school district. Parents of children with disabilities parentally placed in private schools **do not** have the right to initiate a due process hearing on matters relating to whether the school district erred in failing to offer any services to the child if the school district has elected not to serve their child, or whether the school district should

have offered another service or services to their child in lieu of or in addition to the services actually offered, or whether the child needed more than provided.

Discretionary Grants Offered by the U.S. Department of Education

Unlike a formula grant program, in which the Department awards grants to eligible parties based on a predetermined formula, a discretionary grant is one that the Department awards on the basis of a competitive process. The Department reviews applications competitively in light of the legislative and regulatory requirements established for a program. The Department provides any further information for applicants in the application materials. The Department then solicits applications and awards grants.

Six principal offices of the Department are responsible for overseeing a portion of the discretionary grant programs established by Congress and administered by the Department. These offices are: Office of Bilingual Education and Minority Affairs, Office of Educational Research and Improvement, Office of Elementary and Secondary Education, Office of Postsecondary Education, Office of Special Education and Rehabilitative Services, and Office of Vocational and Adult Education.

Information announcing competitions for discretionary grant programs of the Department is published first in the *Federal Register*. The *Federal Register* is published daily, Monday through Friday, and is available at many libraries, online to U.S. Government Depository Libraries, or by subscription from Superintendent of Documents, Attn. New Orders, Box 371954, Pittsburgh, PA 15250-7954.

An excellent way to get information about discretionary grant programs at the U.S. Department of Education is to consult the Department's World Wide Web page for the *Guide to the U.S. Department of Education Programs*. The *Guide* is also available in hard copy from the Department, but the World Wide Web page is more current because it is updated as soon as funding information becomes available and competitions are announced. The *Guide* describes the various discretionary grant programs and gives the telephone contact number for each program. To obtain the *Guide*, download it from the Department's World Wide Web Home Page (http://www.ed.gov) or call 202/708-8773. If you are interested in applying for a particular grant, check the web page for updated

information on funding, contact the program office responsible for any questions or to request information on eligible applicants, program regulations, and an application package. Follow the application instructions in the package, which generally require you to complete certain standard forms and send them, along with a narrative description of the proposed project and an estimated budget, to the Department by a certain date. Another good way to keep up with grant availability is through the News Section on the Department's Home Page.

Grant recipients are required to abide by various laws, regulations, and executive orders that apply to recipients of federal funds. For example, standard assurances relate to such items as civil rights or environmental laws; one of the certifications requires that grant recipients agree to maintain a drug-free workplace.

For further information about the grants process at the U.S. Department of Education, request a copy of *What Should I Know About ED Grants?* by writing to Director, Grants Division, GCS, U.S. Department of Education, Washington, D.C. 20202-4700 or by calling 1-800-USA-LEARN.

Many of the discretionary grant programs at the U.S. Department of Education are authorized under Title X of the Improving America's Schools Act. Part A of Title X, Fund for Improvement of Education, provides for the use of funds to "support nationally significant programs and projects to improve the quality of education, assist all students to meet challenging State content standards and challenging State student performance standards, and contribute to achievement of the National Education Goals." A wide range of possible uses of grant funds is listed in Section 10101 of Title X: comprehensive health education, foreign language education, metric education, service learning, and others.

In most instances, the listing of eligible applicants does not specify "private" or "non-public" schools (although in some cases one of these is specifically mentioned). Private schools may be eligible to apply if they are non-profit institutions or as "other public or private agencies, organizations, or institutions." Likewise, a private school may be a member of a consortia as a nonprofit institution or other public or private agency. However, pervasively sectarian schools cannot constitutionally receive direct grants of public funds (as distinct from other religiously affiliated institutions).

Private schools or groups of private schools interested in further investigating available grant programs should take the following steps:

- Read Title X of IASA, available through the House Document Room (202/225-3456) or the Senate Document Room (202/224-7701). The bill number for IASA is H.R. 6. The bill is also available through the Department's World Wide Web Home Page at http://www.ed.gov.

- Access the *U.S. Department of Education Guide to Programs* from the Department's web page or by calling 202/708-8773. Keep in mind that the most up-to-date information about grants and their current-year funding is contained in the *Guide* on the web page.

- Review the grant programs listed in the *Guide* and contact the appropriate program office for the grant in which you are interested, requesting information, regulations, and an application. Also request a copy of *What Should I Know About ED Grants?* by writing to the address listed above or by calling 1-800-USA-LEARN.

- For assistance in completing the application package, contact the specific program office for the particular program for which you are applying. The notice inviting applications for a competition published in the *Federal Register* contains a contact person and phone number; likewise, the "Dear Colleague" letter contained in the application package gives the name and telephone number of a contact person for applicant inquiries.

- Other federal agencies offer discretionary grant competitions that may be of interest to private schools. Some of these are listed in Chapter 4 of this publication "Federal Programs That Affect Private Schools Not Administered by the U.S. Department of Education."

Home Schooling

All states allow home schooling and consider it a legitimate option for meeting compulsory education requirements. Typically, home schooling is regulated by a state's statutes, through a state court ruling, a state attorney general opinion, or a state regulation that interprets a school attendance law to include home schooling. Because each state regulates home schooling differently, parents should examine state and local laws and

consult with other home schoolers before proceeding. In every state, parents must, at a minimum, notify a state or local education agency of their intent to educate their children at home and identify the children involved. Several states require the submission of proposed curricula and tests or have educational requirements for parents. A few even test parents. Only Michigan requires certified teachers to be involved in home schooling programs, but the state allows parents to choose a program's teacher and does not specify a minimum level of teacher supervision. Michigan courts have excused parents from the certification requirement if they have religious objections.

Regulation and support of home schooling are carried out at the state and local levels. However, the federal government also plays an important role by disseminating research-based information on home schooling to policy makers and others, and by supporting research on a broad range of issues affecting teaching and learning. Most federal support for education is dedicated to programs for children who have special needs, such as low-achieving children, children with limited English proficiency, and children with disabilities. Generally, local districts have the option of offering services under these programs to home schoolers who meet the criteria for eligibility.

The federal government very clearly does not regulate home schooling, since this is a State function. Section 14508 of the Improving America's Schools Act states that "Nothing in this Act shall be construed to affect home schools." Because some states consider home schools to be private schools, Section 14509 also includes the following language for home schools: "Nothing in this Act shall be construed to permit, allow, encourage, or authorize any Federal control over any aspect of any private, religious, or home school, whether or not a home school is treated as a private school or home school under State law. This section shall not be construed to bar private, religious, or home schools from participation in programs or services under this Act."

To get started, most home schooling families join local support groups. Families often find these groups by word of mouth or through public or private schools, religious groups, or state or national associations. Information and resources for home schoolers are also available by contacting the U.S. Department of Education's Office of Non-Public Education, 600 Independence Avenue, SW, Washington, D.C. 20202-0122, or by phone at 202/401-1365. Also, a brochure entitled, *Home Schooling Resources for Parents and Children* is available free while supplies last by calling ACCESS ERIC at 1-800-LET-ERIC.

Chapter 3.....Special Initiatives of the U.S. Department of Education

Partnership for Family Involvement in Education

The Partnership for Family Involvement in Education is a coalition of hundreds of family, school, business, community, and religious organizations committed to working together to encourage and enable families to be more meaningfully involved in their child's education. The mission of the Partnership is to promote children's learning through the development of family-school-community partnerships. The organizations that have come together within the framework of the Partnership support student learning to high standards. These partners represent a growing grassroots movement across the country.

The Partnership is organized into four areas:

- Family-School Partners for Learning, supporting home and school partnerships and connections between the family, school, and greater community. Family partners strengthen schools through at-home activities including encouraging reading, monitoring homework, making sure their children are prepared and attend school; and through at-school activities including attending school conferences and asking for challenging course work. School partners support families' expectations for their children's education, reach out to parents as partners, offer parents help, and are accessible when parents are available.

- Employers for Learning, adopting family- and student-friendly business practices, such as providing leave time to attend parent conferences and volunteer in school, and providing parent training and child care.

- Community Organizations for Learning, supporting learning communities through organized before- and after-school and summer activities, helping to make streets safe for children, and supporting supervised recreational activities.

- Religious Organizations for Learning, providing parent education programs, sponsoring cultural programs, making their buildings available for organized activities, and supporting out-of-school learning.

The Partnership began with the support of national organizations representing each of these areas. It has grown to include local schools, family organizations, large and small businesses, and local community organizations and houses of worship. Private schools are urged to be a part of this Partnership by signing the Family/School Promise (see Appendix).

When they join the Partnership, partners improve their effectiveness by connecting with other groups and drawing on each other's strengths. The benefits of being part of a coordinated effort are key: Partners learn about and share the latest and best practices from other Partner organizations. Recognition is earned for organizations' visible commitments at the national, state, and local levels. Members of the Partnership for Family Involvement in Education receive Partnership publications and support on an on-going basis.

As the Partnership continues to grow, special projects support family involvement and student learning across communities and make it easy for partners to begin or enhance local projects.

Read*Write*Now!

READ*WRITE*NOW! is a national reading and writing initiative, with an intensive summer component, to encourage children's reading and writing with a reading partner 30 minutes a day. It is a national activity of the Partnership for Family Involvement in Education. The activities of READ*WRITE*NOW! supplement school reading and writing, helping to ensure that children's language skills grow significantly. The program also builds "reading for fun" time into every day to help children develop a healthy habit of daily reading. Schools and communities are urged to use READ*WRITE*NOW! to build a local partnership for reading. The program can be used as the basis for a local initiative or to supplement programs already in place. The READ*WRITE*NOW! basic kit is available free of charge (while supplies last) by calling 1-800-USA-LEARN. It is also available on the U.S. Department of Education's web site (http://www.ed.gov). Schools and community groups who wish to duplicate multiple copies are encouraged to do so by requesting a black and white copy from 1-800-USA-LEARN.

America Goes Back to School: Get Involved!

When families, educators, and communities work together, schools get better and students get the high-quality education they need to lead productive lives. Better education is everybody's business, and the *America Goes Back to School* initiative encourages everyone to make a commitment to make education better in their community. *America Goes Back to School* is an activity of the Partnership for Family Involvement in Education.

A special *America Goes Back to School* kit giving ideas and models for community involvement and support of education is available (while supplies last) by calling 1-800-USA-LEARN. It is also available on the U.S. Department of Education's web site (http://www.ed.gov).

This commitment to schools and student learning is a year-long commitment. However, many communities kick off their activities in the early fall of each school year. If you would like your activity included in a listing of *America Goes Back to School* activities, you may do so by calling 1-800-USA-LEARN.

Teacher Forum

The Teacher Forum seeks to shift the focus of the education reform movement from teachers as objects of reform to teachers as partners in reform by building teacher leadership capacity. Each year, the Department hosts the Teacher Forum which brings exemplary public and private school teachers to Washington, D.C. for two primary purposes:

- To provide a forum for the Department of Education staff and teachers to listen to one another; and

- To assist teachers to become partners in developing local, state, and federal reform strategies, and to lead changes in their schools and communities that will enable all students to meet high levels of academic achievement as identified by the National Education Goals.

Participants in the Teacher Forum include the current state-level Teachers of the Year, a teacher nominated by the Goals 2000 state planning teams, and teachers nominated by private school organizations.

Blue Ribbon Schools Program

The Blue Ribbon Schools Program, established by the secretary of education in 1982, serves three purposes. First, it identifies and recognizes outstanding public and private schools across the nation. Second, the program makes research-based effectiveness criteria available to all schools so that they can assess themselves and plan improvements. Third, the program encourages schools, both within and among themselves, to share information about best practices based on a common understanding of criteria related to educational success. To be recognized, a school must demonstrate a strong commitment to educational excellence for all students.

Public and private schools serving grades K–12 from the 50 states, the District of Columbia, Puerto Rico, and the U.S. Virgin Islands, as well as Bureau of Indian Affairs and Department of Defense Dependent Schools, may be nominated. Elementary and secondary schools are eligible to participate in alternate years. Public and private schools must have been in operation for at least 5 years before applying to the program. Although schools may receive national recognition more than once, they must wait a minimum of 5 school years before they may reapply.

Each state administers its own program for selecting public schools to be nominated to the national level. The Council for American Private Education nominates private schools. A national review panel evaluates the nominations and the most promising schools are recommended for site visits. The purpose of a visit is to verify the accuracy of the information the school has provided in its nomination form and to gather any additional information the panel has requested. Experienced educators serve as site visitors and submit their written report to the panel. The panel considers the report and makes recommendations to the U.S. Secretary of Education, who then announces the names of the schools selected for recognition.

The review panel considers the following "Conditions of Effective Schooling" in each school:

- Student focus and support
- Challenging standards and curriculum
- Teaching and active learning
- Learning-centered school contexts
- Professional growth and collaboration
- Leadership and organizational vitality
- School, family, and community partnerships

The review panel also considers objective "Indicators of Success." This category includes:

- Student performance on measures of achievement
- Daily student and teacher attendance rates
- Students' postgraduation pursuits
- School, staff, and student awards

Each year, a limited number of special emphases are designated. These represent areas where school performance needs to be greatly improved and where effective models are sought.

President's Education Awards Program

The President's Education Awards Program (previously known as the Presidential Academic Fitness Award Program or PAFA) was established by the U.S. Department of Education to recognize and honor outstanding educational achievement. The President's Education Awards Program rewards students for their academic effort and success. The program consists of two awards, the President's Award for Educational Excellence and the President's Award for Educational Improvement. Students qualifying for these honors will receive certificates signed by the president, the secretary of education, and the school principal.

President's Award for Educational Excellence

This award was established to encourage students to achieve high academic standards by recognizing and rewarding them for educational excellence. To be eligible for the President's Award for Educational Excellence, students at each award level (exit grades

for elementary or middle school, junior high, or high school) must earn a grade point average of 90 on a 100-point scale and either achieve the 85th percentile or higher in math or reading on a standardized achievement test or receive recommendations from a teacher and one other staff member. If a school does not have letter grades, other assessment measures are considered.

President's Award for Educational Improvement

The purpose of this award is to recognize students who show outstanding educational growth, improvement, commitment or intellectual development in their academic subjects, but do not meet the criteria for the President's Award for Educational Excellence. This award recognizes a very different type of achievement. It is meant to encourage and reward students who work hard and give their best effort in school, in many cases in the face of special obstacles to learning. This award is given at the principal's discretion based on criteria developed at the school. The criteria should reflect the purpose of the award and must be applied fairly to all students.

Information on the President's Education Awards Program may be obtained by calling 1-800-438-7232, 8:00 a.m.– 4:30 p.m. eastern time, Monday-Friday.

Presidential Scholars Program

The United States Presidential Scholars Program was established in 1964, by executive order of the president, to recognize and honor some of our nation's most distinguished graduating high school seniors. In 1979, the program was expanded to recognize students who demonstrate exceptional talent in the visual, creative, and performing arts. Each year, up to 141 students are named as Presidential Scholars, one of the nation's highest honors for high school students. The scholars are chosen on the basis of their accomplishments in many areas--academic and artistic success, leadership, and involvement in the school and the community.

Two paths of accomplishment lead toward earning the honor of Presidential Scholar. First, all high school seniors who are citizens of the United States are automatically considered for participation if, on or before November of each year, they have scored exceptionally well on either the SAT of the College Board or the ACT Assessment of the American College Testing Program and did not request that their scores remain private.

Second, a group of students who participate in the Arts Recognition and Talent Search Program (ARTS), a national program for identification and recognition of young people who have demonstrated excellence in the arts, are identified for consideration. The ARTS Program is sponsored by the National Foundation for Advancement in the Arts.

Approximately 2,700 students are identified as candidates and invited to apply to the program. Students may not be nominated, nor may they apply without invitation to the program.

Presidential Scholars are invited to Washington, D.C. to receive the Presidential Scholar Medallion and participate in several days of events.

For more information on the Presidential Scholars Program, write or call:

Presidential Scholars Program
U.S. Department of Education
600 Independence Avenue, SW
Washington, D.C. 20202-3500
202/401-0961

For more information on the Arts Recognition and Talent Search (ARTS) Program, write or call:

National Foundation for Advancement in the Arts
800 Brickell Avenue
Miami, FL 33131
1-800-970-ARTS

Satellite Town Meeting

The Satellite Town Meeting is just what the name implies--a meeting, made possible by telecommunications technology, where thousands of people in sites all over the country get together and discuss the most critical and timely issues in education. Renowned national experts, local educators, and community leaders share ideas on what it takes to create successful school improvement programs and keep them going. They offer

practical advice to schools and communities. Satellite Town Meetings are held on the third Tuesday of each month (except July, August and December) and broadcast from 8:00 p.m. to 9:00 p.m. eastern time.

The Satellite Town Meeting is hosted by the secretary of education, and the audience includes parents, teachers, school administrators, business leaders, civic and community activists, college faculty, and many others. The secretary's guests have included teachers, principals, parents and community leaders from across the country, as well as well-known figures in American education. Viewers may call in questions or comments to a toll free number shown on the screen during the broadcast.

Satellite Town Meetings are accessible through "downlinks" in your local communities, or through broadcast by local cable access networks, public television stations, and major national cable outlets such as The Discovery Network and Mind Extension University. To find out the coordinates for downlinking or to inquire about cable broadcast of each month's show, call 1-800-USA-LEARN.

Past topics have included strengthening family and school partnerships, enhancing mathematics and science education, creating safer schools, charter schools, improving preschool programs, connecting schools to the information superhighway, expanding the arts in education, becoming a reading school, and creating school-to-work transition to prepare students for promising careers. Call 1-800-USA-LEARN for a listing of topics for the current school year.

The Information Resource Center

The Information Resource Center (IRC) acts as the main entry point for telephone inquiries to the Department of Education. The services provided by the IRC focus on fulfilling publication requests; providing directory information in locating an employee, office, or program within the Department; providing in-depth information on the Department's major programs and initiatives; and providing referrals to other Department staff for callers with questions that go beyond the expertise of the IRC.

The public may access the IRC by calling 1-800-USA-LEARN. Personal service is available 9 a.m. to 5 p.m. Eastern time, Monday through Friday. Automated services,

such as fax on demand (Flashfax), Internet instructions, and audio descriptions of the Department's major programs and initiatives are available 24 hours a day, 7 days a week.

The National Library of Education

The new National Library of Education (NLE) is the largest federally funded library in the world devoted solely to education. It is an expansion of the former U.S. Department of Education Research Library and houses onsite more than 200,000 books and about 750 periodical subscriptions in addition to studies, reports, Educational Resources Information Center (ERIC) microfiche, and CD-ROM databases. The library also houses special collections, such as rare books and early American textbooks.

The NLE is the federal government's one-stop center for information and referral on education. Timely information is available on programs and activities of the U.S. Department of Education, ERIC resources and services, Department of Education publications, education-related materials from other federal agencies, services and resources available through research institutes, and statistics from the National Center for Education Statistics.

You can contact NLE as follows:

Library Administration	202/219-2289
Reference/Research/Statistics	202/219-1970
outside of Washington, D.C.	1-800-424-1616
Internet	Library@inet.ed.gov
Circulation/Interlibrary loan	202/219-2238 Libloans@inet.ed.gov
Legislative Reference Service	202/401-1045
Technology Resources Center	202/219-1699

ACCESS ERIC 1-800-LET-ERIC

Internet users may access and download U.S. Department of Education resources and information, including legislation, publication summaries and full texts, grant information, datasets, and phone directories by--

World Wide Web browser (**http://www.ed.gov**)
Gopher client (gopher to **gopher.ed.gov**)
FTP client (ftp to **ftp.ed.gov**)
E-mail to(**almanac@inet.ed.gov**) [type "send catalog" in the body of the message]
E-mail questions about the servers to **gopheradm@inet.ed.gov**

The Regional Educational Laboratory Program

The Regional Educational Laboratory Program is the U.S. Department of Education's largest research and development investment designed to help educators, policy makers, and communities improve schools and help all student attain their full potential. Administered by the Office of Educational Research and Improvement, the network of 10 regional labs works to ensure that those involved in educational improvement at the local, state and regional levels have access to the best available research and knowledge from practice. The Labs also want to ensure that information about exemplary and promising programs as well as other important lessons about school reform developed or learned in one site can be appropriately applied elsewhere.

A listing of the regional labs and their specialty areas can be found in the Appendix.

CHAPTER 4.....Other Federal Programs Serving Private Schools and Their Students

The programs contained in this chapter do not represent every program that can affect non-public schools. Rather, these programs are included because of the frequency of inquiries received by the Office of Non-Public Education from non-public school officials.

Transfer of Excess and Surplus Federal Computer Equipment

The federal government has a program to donate educationally useful federal equipment to schools and nonprofit organizations. Private as well as public schools are eligible, prekindergarten through 12th grade. Schools may transfer this equipment permanently or temporarily to a teacher, administrator, student, employee, or other designated person for furtherance of educational goals. These provisions are included in Executive Order 12999 ("Educational Technology: Ensuring Opportunity for All Children in the Next Century"), signed by President Clinton on April 17, 1996.

To find out more about the availability of excess and surplus federal computer equipment, contact one or more of the following:

- Local units of federal agencies (civilian and/or military)--Your local telephone books will have listings for U.S. government offices and installations in your area.

- Headquarters of federal agencies--Call individuals in the agency headquarters who are designated as contacts for excess and surplus property. A listing is in the Appendix.

- General Services Administration--Call the GSA central and regional property disposal officers, also listed in the Appendix. Ask them about direct transfers they are arranging from donating agencies, about computer equipment in GSA warehouses, and other questions you have regarding donated computer equipment.

- State agencies for excess and surplus property--Agencies have been established in the states to process surplus federal property, and may have surplus equipment available for distribution. They are permitted to charge up to 10 percent of the acquisition costs, so be sure to ask about any charges they might impose. A listing of these agencies is also in the Appendix.

The Office of Non-Public Education has prepared a packet of information on obtaining surplus federal property. To request a copy, write the U.S. Department of Education, Office of Non-Public Education, 600 Independence Avenue, SW, Washington, D.C. 20202-0122 or phone 202/401-1365.

Child Nutrition Programs

Introduction

Child Nutrition Programs, administered by the U.S. Department of Agriculture, are open to participation by private schools. Applications for participation in any of the Child Nutrition Programs are obtained by contacting the Child Nutrition Program coordinator for your state or by calling Alberta Frost, Director, Child Nutrition Service, U.S. Department of Agriculture, 3101 Park Center Drive, Alexandria, VA 22302, telephone 703/305-2620.

National School Lunch and National School Breakfast Programs

The National School Lunch and the National School Breakfast Programs provide cash and commodity assistance to schools that serve meals that meet the dietary requirements of the statute. Through this program, schools provide free or reduced-price meals to students that qualify under the poverty guidelines of the program, which are adjusted for family size. Other children may purchase meals at cost. Schools receive reimbursement for each meal served. The highest rates of reimbursement are provided for meals served to children eligible for free meals and reduced-price meals.

Special Milk Program

The Special Milk Program reimburses participating schools for a portion of their expenditures in providing milk to students of all income ranges. Students may qualify for

free milk under this program. Schools not participating in other federally funded food programs may participate.

Environmental Hazards

Introduction

Several programs and laws administered by the U.S. Environmental Protection Agency (EPA) apply to all schools, kindergarten through grade 12, including private schools. Contact information for each of the programs is listed in the program section. Programs that require action by school officials usually have a penalty attached for those who fail to comply.

Asbestos Hazard Emergency Response Act

The best known EPA program that applies to schools is the Asbestos Hazard Emergency Response Act (AHERA). Under AHERA, the EPA requires each elementary and secondary school to perform an inspection for asbestos-containing building material and to prepare an asbestos management plan. The AHERA regulations further require a reinspection of the asbestos-containing building material at least once every three years. For further information, contact your SEA asbestos coordinator or EPA regional asbestos coordinator. Because most schools are in the reinspection phase of AHERA, EPA has published a manual for reinspection titled *A Guide to Performing Reinspections Under the Asbestos Hazard Emergency Response Act (AHERA)*, publication number EPA 700/B–92/001. Copies are available from EPA's TSCA Information Services at 202/554-1404.

Safe Drinking Water

Tap water safety for public water supplies is regulated by the EPA. States are responsible for implementing and enforcing these regulations. Schools with their own source of water, such as a well, are considered to be public water supplies if they regularly serve more than 25 people. These systems must do regular water monitoring. The requirements vary by system and type and many states have programs to waive some of the monitoring requirements. EPA's Drinking Water Hotline provides appropriate state contacts as well as information about drinking water regulations and groundwater

protection efforts. If your school is receiving water from a community water supply, such as a municipality or local utility, you may request information about local testing requirements and results. The Safe Drinking Water Act was recently amended. Contact the Safe Drinking Water Hotline for more information at 1-800-426-4791. Internet information is available at http://www.epa.gov/OW/OGWDW.

Lead in Drinking Water

The Lead Contamination Control Act (LCCA) requires EPA to identify and publish a list of water coolers that are not lead free, including those with lead-lined tanks. The LCCA also requires that water coolers found to contribute lead to drinking water (within the limits of testing accuracy) in schools must be repaired, replaced, or rendered inoperative. Furthermore, the LCCA requires that states establish a program to assist schools to implement measures to test for and remedy lead contamination in drinking water from water coolers and from other sources. As required by the LCCA, EPA published a guidance document and testing protocol to assist schools in determining the source and degree of lead contamination *(Lead in Drinking Water in Schools and Non-Residential Buildings*, publication number EPA 812–B–94–002). Another document, *Sampling for Lead in Drinking Water in Nursery Schools and Day Care Facilities*, publication number EPA 812–B–94–003 is also available.

To receive more information about lead in drinking water, contact the EPA's Drinking Water Hotline at 1–800-426-4791. For information on water cooler replacement, contact the manufacturer.

Indoor Air Quality Management in Schools

The U.S. Environmental Protection Agency (EPA) has recently released voluntary guidance entitled *Indoor Air Quality Tools(IAQ) for Schools Action Kit* (EPA 402–K–95–001) to assist schools in preventing and resolving indoor air quality problems. This easy-to-use kit shows how to carry out a practical plan of action at little or no cost using common-sense activities and school staff.

The *IAQ Tools for Schools Action Kit* provides simple-to-follow checklists, background information, sample memos and policies, a recommended IAQ management plan, and a problem-solving wheel. The kit's appendices include information on topics such as hiring outside assistance, and mold and moisture control. In addition to helping ensure a

healthy and productive learning environment, this guidance can also help in other areas such as reducing the deterioration of a school's heating, ventilation, and air-conditioning (HVAC) systems, improving the energy efficiency of a school's HVAC system, and reducing the possibility of school closings and temporary relocation due to school renovation work.

The kit and additional problem-solving wheels are available from:

U.S. Government Printing Office
Visa or MasterCard accepted
Phone: 202–512-1800
Fax: 202-512-2250

Kit (wheel included) #055–000–00503–6
$22.00 each
$16.50 each for 100 or more

or send prepayment to:
Superintendent of Documents
P.O. Box 371954
Pittsburgh, PA 15250-7954

Radon Risk Management in Schools

EPA and other major national and international scientific organizations have concluded that radon causes cancer in humans and is a serious public health problem. A nationwide survey of radon levels in schools estimates that nearly one in five have at least one frequently used schoolroom with a short-term radon level above the EPA's action level of 4 picocuries per liter of indoor air. However, if a school building has a radon problem, it is unlikely that every room in the school will have an elevated radon level. EPA recommends testing all frequently used schoolrooms that have contact with the ground to identify those with elevated radon levels.

EPA's voluntary testing guidance entitled *Radon Measurement in Schools - Revised Edition* (EPA 402-R–92–014) provides guidance on planning, implementing, and evaluating a radon testing program for a school. If school officials choose to test their school buildings using school personnel, EPA's *Radon Measurement in Schools: Self-Paced Training Workbook* (EPA 402–B–94–001) provides activities that help simulate the testing process prior to actually conducting radon testing in a school building.

For free copies of these two documents, call 202-260-2080 or write to:

U.S. EPA Publication Information Center
401 M Street, SW (Mail Code 3404)
Washington, D.C. 20460

For new school construction in high-radon-potential zones, EPA's voluntary guidance entitled *Radon Prevention in the Design and Construction of Schools and Other Large Buildings* (EPA 625–R–92–016) provides recommendations for incorporating radon resistant and/or easy-to-mitigate features into the design of a new school building. Incorporating the recommended design features will help prevent the need for radon mitigation or reduce the cost of mitigation if needed in the future. This guidance is useful to architects, engineers, and builders involved with the construction of new buildings in a school district.

For a free copy, call 513-569-7562 or fax your request to 513-569-7566.

Underground Storage Tanks

Underground storage tanks can pose an environmental hazard if they begin to leak. For further information regarding underground storage tanks, contact EPA's Underground Storage Tank Hotline at 1-800-424-9346.

Child Care and Development Block Grant

Introduction

The Child Care and Development Block Grant (CCDBG), administered by the U.S. Department of Health and Human Services funds state efforts to provide quality child care services for low-income family members who work, train for work, or attend school, or whose children are receiving or need to receive protective services. CCDBG provides states, Indian tribes, and territories with funding to help low-income families access quality child care for their children. Funds are available to provide certificates, grants, and contracts for child care services for low-income families. Certificates can be used for public or private, religious or nonreligious and center or home-based care. Child care programs that participate must comply with state licensing and health and safety

requirements. Private providers of preschool or school-age programs should contact the lead agency for child care in the state.

Further Information

For general information about the CCDBG program, contact the Child Care Bureau at the U.S. Department of Health and Human Services, telephone 202/690-6782, fax 202/690-5600. Or write: Child Care Bureau, Room 320F, 200 Independence Avenue, SW, Washington D.C. 20201. The World Wide Web home page address is: http://www.acf.dhhs.gov/ACFPrograms/CCDBG/index.html.

U.S. Department of Energy

The National Energy Conservation Policy Act (1978) established the Institutional Conservation Program, which provided energy conservation grants to schools and hospitals to improve energy efficiency in buildings and reduce cost. Beginning in fiscal year 1996, this program was consolidated into the new State Energy Program, together with the State Energy Conservation Program. The new program is operated like the State Energy Conservation Program, with States having the flexibility to offer a wide range of activities, including energy efficience projects of schools and hospitals. Private schools that qualified for assistance under the Institutional Conservation Program would also be eligible under the new program, if the State is including assistance to schools in its activities. To find out if your State is offering such activities, and to obtain information about State programs and/or applications, contact your State energy officer.

Federal Emergency Management Agency

The Federal Emergency Management Agency (FEMA) provides grants to facilities affected by a major disaster. Private schools are eligible to apply for assistance if they meet the definition of a private, nonprofit organization. FEMA defines a private, nonprofit organization in 44 CFR 206.221 as "any nongovernmental agency or entity that currently has: (1) an effective ruling letter from the U.S. Internal Revenue Service, granting tax exemption under sections 501 (c), (d), or (e) of the Internal Revenue Code of

1954, or (2) satisfactory evidence from the state that the nonrevenue-producing organization or entity is a nonprofit one organized or doing business under state law."

Family and Medical Leave Act

Introduction

The Family and Medical Leave Act of 1993 (FMLA) covers all elementary and secondary schools, both public and private, and all public employers regardless of the number of employees. The FMLA applies only to those employers in the private sector that have had at least 50 employees for 20 calendar workweeks in the current or preceding calendar year. All covered employers must display the FMLA poster in a conspicuous place or be subject to a civil penalty of $100 for each willful offense. A copy of the poster is included in the Appendix of this handbook.

Specifics of the Act

To be eligible for FMLA, employees must work for a covered employer (defined in the introduction above), have worked for the employer for at least 12 months, have worked for at least 1,250 hours in the 12–month period preceding the start of the leave, and work at a work site where there are at least 50 employees within 75 miles. The 12 months need not be consecutive. For FMLA purposes, full-time teachers, for whom records of hours worked may not normally be required, are deemed to meet the 1,250 hour test unless the employer can clearly demonstrate otherwise. An employer may be covered but have not eligible employees (e.g., a small private school with fewer than 50 employees would be covered but have not eligible employees).

Eligible employees are entitled to 12 workweeks of leave in a 12–month period for the birth and care of a child; for placement with the employee of a child for adoption or foster care; to care for a spouse, child, or parent with a serious health condition; or because of the serious health condition of the employee. Leave may be taken all at once, intermittently, or as a reduced schedule. Special rules may be applied to instructional employees taking intermittent leave, leave on a reduced leave schedule, or leave near the end of an academic term, and to job restoration. Employees may elect or employers may require, subject to certain conditions, the substitution of accrued paid leave during the FMLA leave period.

While on leave, the employer must continue to provide any group health benefits on the same basis as those benefits are provided when the employee is at work. When ready to return to work, the employee must be restored to the same or an equivalent position and must have all employment benefits restored.

An employer must observe greater benefits provided under state laws, employer practices, or collective bargaining agreements. Conversely, the rights established under FMLA may not be diminished by any such law, practice, or agreement.

Further Information

For additional information, please contact the nearest office of the Wage and Hour Division of the U.S. Department of Labor, listed in the U.S. Government section of your telephone directory. You may also access FMLA documents from the U.S. Department of Labor's Home Page at http://www.dol.gov.

Bloodborne Pathogens

Introduction

The Occupational Safety and Health Administration (OSHA) has issued regulations whose purpose is to reduce or eliminate the possibility of an employee contracting any of a series of diseases that are spread through blood contact. The Occupational Exposure to Bloodborne Pathogens Standards became fully effective on October 1, 1992.

The two viruses of most concern are the Human Immunodeficiency Virus (HIV) and the Hepatitis B virus (HBV). Prevention of HBV exposure is the main purpose of these regulations in the school setting. HIV and HBV are potentially life-threatening bloodborne pathogens. These viruses are transmitted through exposure to blood and other infectious body fluids and tissues.

Requirements

The Bloodborne Pathogens Standards require schools to do the following: (1) Write an exposure control plan to determine how exposure to body fluids will be handled. Every

job-related task in the school must be evaluated in light of the likelihood of exposure to blood products and body fluids; (2) Offer free HBV vaccination to all employees who are required to come into contact with body fluids as a direct result of their responsibilities (such as school nurses and physical education instructors); (3) Train all employees in the use of universal precautions (such as hand washing and use of gloves); and (4) Develop and maintain records and procedures to document compliance with these regulations and to handle any exposure incidents that occur. Records of employees who have received vaccinations and written refusals of employees to receive vaccinations must be part of the documentation. Also, training sessions must be recorded.

The regulations are very specific regarding elements of the exposure control plan, precautions for employees, training, documentation, and handling an exposure. They are contained in Part 1910 of title 29 of the Code of Federal Regulations. They first appeared in the *Federal Register* of December 6, 1991.

Further Information

For further information, contact your state OSHA office, or the Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, D.C. 20210; telephone 202/219-8151.

National Service

Introduction

The National and Community Service Trust Act of 1993 (P.L. 103–82), signed into law by President Clinton on September 21, 1993, is an innovative program founded on the traditional American values of offering educational opportunity, demanding personal responsibility, and building the American community. The law establishes a Corporation for National Service that offers Americans who do vital work in the national service initiative an educational award.

Americorps

Through the Americorps program, about 20,000 Americans per year work to meet unmet educational, environmental, human or public safety needs. They work for minimum

wage, and also receive $4,750 in educational awards for each year (up to two) they serve. The educational awards may be used to repay loans for higher education or to pay for higher education or training. Americorps members must be 17 years of age or older with a high school diploma, GED, or on their way to getting one. Funding has remained steady at $300 million per year.

Learn and Serve America

The law, through Learn and Serve America, also encourages "service learning" -- the integration of community service into the curriculum of K-12 students. Funding has remained about $33 million per year. In addition, Learn and Serve America provides grants to higher education institutions or consortia to establish or expand service learning programs on campuses of postsecondary institutions. Funding has remained at about $17 million per year.

Further Information

For further information, contact The Corporation for National Service, 1201 New York Avenue, NW, Washington, D.C. 20525; or call (202) 606-5000 x136 (Learn and Serve America), 1-800-942-2677 (Americorps Information Line), or 1-800-808-SERVE (National Service Learning Cooperative Clearinghouse). The World Wide Web site for the National Service Learning Cooperative Clearinghouse is http://www.nicsl.coled.umn.edu.

National Endowment for the Humanities

The National Endowment for the Humanities (NEH) supports teachers who wish to strengthen and expand their understanding of history, literature, foreign languages and culture, and other areas of the humanities. With NEH support, teachers may join a formal study session during the summer, use the summer to pursue independent study, plan a sabbatical for a year of independent study, or develop a project to support group study.

For information about eligibility requirements and selection criteria, and for application materials, write or call: Division of Education Programs, Elementary and Secondary Education in the Humanities, Room 302, National Endowment for the Humanities, 1100 Pennsylvania Avenue, NW, Washington, D.C. 20506, phone (202) 606-8377, fax (202)

606-8394, Internet: nehedu@gwuvm.gwu.edu. You may obtain information about other NEH programs from the Office of Publications and Public Affairs, Room 406, at the same address, or call (202) 786-0438.

National Endowment for the Arts

The National Endowment for the Arts (NEA) is the central source of Federal funding for the arts in America. With the onset of diminished resources, the NEA has reorganized its operations. Funding opportunities for organizations will be available according to four themes: Heritage and Preservation; Education and Access; Creation and Presentation; and Planning and Stabilization. To inquire about the possibility of private school participation in NEA programs, contact the National Endowment for the Arts, Nancy Hanks Center, 1100 Pennsylvania Avenue, NW, Washington, D.C. 20506-0001. The World Wide Web home page for the NEA is http://arts.endow.gov/AboutSite.html.

National Science Foundation

The National Science Foundation (NSF), through its Division of Elementary, Secondary, and Informal Education, supports activities to develop, improve, and disseminate effective curriculum and instructional materials in both informal and classroom settings; to strengthen the qualifications and effectiveness of science, mathematics, and technology teachers (pre-kindergarten to grade 12); to provide research experiences for high-potential youth in grades 7–12; and to increase public science literacy. Contact the Division of Elementary, Secondary, and Informal Education, Directorate for Education and Human Resources, National Science Foundation, 4201 Wilson Boulevard, Room 885, Arlington, VA 22230, telephone (703) 306-1620. For questions on curriculum development, call (703) 306-1614; for teacher enhancement and development, call (703) 306-1613.

Environmental Tobacco Smoke

Introduction

The Pro-Children Act (PCA) was enacted in 1994 as Part C of Title X of the Goals 2000: Educate America Act, P.L. 103–227. The PCA requires that smoking not be permitted in any indoor facility, or in some cases a portion of a facility, used routinely or regularly for the provision of certain types of "children's services" to persons under age 18, if the services are funded by specified federal programs either directly or through state or local governments. Applicable federal funds for these types of children's services include grants, cooperative agreements, loans, loan guarantees, contracts, and funds for construction, maintenance, and operations awarded by the Departments of Health and Human Services, Education, or Agriculture [only through the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)].

All LEAs and SEAs that receive funding from the U.S. Departments of Education, Health and Human Services, or Agriculture (through the nutrition program WIC) either directly, or through state or local governments, to provide routine or regular kindergarten, elementary or secondary education, library services, health services, or day care services to children must comply with the PCA requirements.

Application to Non-Public Schools

A non-public school must implement the PCA requirements if it receives funding from the U.S. Departments of Education, Health and Human Services, or Agriculture (only through the nutrition program WIC) either directly, or through state or local governments, to provide routine or regular kindergarten, elementary or secondary education; library services; health services; or day care services to children. A non-public school is not required to implement the PCA if it does not receive this funding, if the non-public school receives funding under the National School Lunch and School Breakfast Program or if the private school's students receive services (such as compensatory education under Title I) through the state or local public school district.

Additional Information

Generally, smoking does not need to be prohibited if the facility is being used for a community or privately sponsored event. If the indoor facility is being used simultaneously for routine or regular children's services (i.e., school-sponsored activities that involve children) and a privately sponsored event, smoking must be prohibited in the entire indoor facility. The provider of children's services may determine whether or not it wishes to prohibit smoking in the facility when no routine or regular children's services are being provided.

For Further Information

For a complete copy of the guidance for the Pro-Children Act and for additional guidance concerning implementation of the PCA for providers of education or library services, contact the Safe and Drug-Free Schools Program, U.S. Department of Education, 1250 Maryland Avenue, SW, The Portals-Room 604, Washington, D.C. 20202, phone 202/260-3954 or fax 202/260-7767. For providers of health, day care, or early childhood development services, contact the Office on Smoking and Health, Center for Disease Control Prevention, 330 C Street, SW, Switzer Building, Room 1229, Washington, D.C. 20201, phone 202/205-8500 or fax 202/205-8313. For WIC-related questions, contact the Supplemental Food Program Division, Food and Consumer Services, 3101 Park Center Drive, Room 540, Alexandria, VA 22302, phone 703/305-2746 or fax 703/305-2420.

Nonimmigrant Students

In order for private schools to enroll nonimmigrant alien students, the school must be approved for this purpose by the Immigration and Naturalization Service (INS). A nonimmigrant student is a student who comes to the United States for educational purposes and remains in this country only for the duration of the educational program. If the student wishes to remain longer, a change in visa status would be required. Under the current system, interested schools submit Form I–17 (Petition for Approval of School for Attendance by Nonimmigrant Students), a fee, and other supporting documentation to the District Office of the INS. After the District Office reviews all supplementary documents, it approves or disapproves the application, and notifies the school accordingly. This process is designed to ensure that petitioning schools provide

instruction suitable to the needs of foreign students and that they act in accordance with applicable regulations when admitting and advising foreign students.

The INC works closely with the Office of Non-Public Education when questions arise about the eligibility of individual schools. For further information, contact your INS District Office; or Morrie Berez of the Headquarters Office, Immigration and Naturalization Service, 425 I Street, NW, Washington, D.C. 20536, telephone 202/514-5014. You may also contact the Office of Non-Public Education about individual cases, at the U.S. Department of Education, 600 Independence Avenue, SW, Washington, D.C. 20202-0122, telephone 202/401-1365.

The Americans With Disabilities Act

Introduction

The Americans with Disabilities Act (ADA), Public Law 101–336, was signed into law on July 26, 1990. It gives civil rights protections to individuals with disabilities similar to those provided to individuals on the basis of race, color, sex, national origin, age, and religion. It guarantees equal opportunity for individuals with disabilities in public accommodations, employment, transportation, state and local government, and telecommunications. The ADA applies to private schools as employers and as public accommodations providing services to the public.

Title I--Employment

The ADA, in Title I, prohibits discrimination by employers--including private schools--with 15 or more employees as of July 26, 1994. (Previously, from July 26, 1992 to July 26, 1994, the level was 25 or more employees.) The ADA bans discrimination in all employment practices. Employers are required to make "reasonable accommodation" to the known mental or physical impairments of qualified individuals with disabilities, but only if making the accommodation would not result in an "undue hardship" on the operations of the employers. Complaints of employment discrimination may be filed with the federal Equal Employment Opportunity Commission (EEOC). Where voluntary compliance fails, litigation remedies may be pursued. Remedies include back pay, front pay, restored benefits, attorney's fees, reasonable accommodation, and reinstatement, and possibly punitive damages, subject to a cap, in certain cases.

Title I provides that if an educational institution is controlled by a religious entity it may give preference in hiring to individuals of a particular religion. It also permits a religious entity to require that all applicants and employees conform to the religious tenets of the organization.

Title III--Public Accommodation

The ADA, in Title III, prohibits discrimination in public accommodations, explicitly including private schools regardless of size or number of employees. However, it does not require a private school to provide a free appropriate education or to develop an individualized education program for each student with a disability; these requirements apply to public schools under the Individuals with Disabilities Education Act (IDEA). A private school that is controlled by a religious organization or that is itself a religious organization is exempt from the ADA public accommodations requirements. However, even if a school is exempt from the Title III public accommodations requirements, its employment practices are still covered by Title I for the purposes of disability discrimination if it has the requisite number of employees.

Under Title III, public accommodations must eliminate unnecessary eligibility standards or rules that exclude or segregate or tend to screen out individuals with disabilities. The ADA would, however, permit imposition of safety requirements where an individual with disabilities would pose a direct threat to the health or safety of the individual or of others.

Public accommodations must "make reasonable modification" in policies, practices and procedures where necessary to provide equal access to individuals with disabilities. Modifications are not required, however, if they would fundamentally alter the goods, services, or operations of the public accommodation.

Public accommodations must provide effective communication with customers, parents, or students with hearing or vision impairments which may necessitate the provision of auxiliary aids or services, such as sign language interpreters, readers, taped texts, Brailled material, and large print materials. This requirement is flexible. Auxiliary aids are not required if they would result in an undue burden or in a fundamental alteration in the nature of the goods or services. Extra charges may not be imposed on individuals with disabilities in order to cover the cost of measures taken to ensure compliance with the ADA.

The ADA requires the removal of physical barriers in existing facilities when it is readily achievable, that is, easy to accomplish without must difficulty or expense. What is "readily achievable" will be determined on a case-by-case basis. When barrier removal is not readily achievable, the ADA requires that alternative steps be taken, if the alternative measures are readily achievable. All new construction and alterations in public accommodations must be accessible in accordance with design standards written by the Architectural and Transportation Barriers Compliance Board (ATBCB or "Access Board") and promulgated as a regulation by the U.S. Department of Justice.

Further Assistance

The *ADA Technical Assistance Manual* is a basic resource on the employment provisions of the ADA from the Equal Employment Opportunity Commission. The *Manual* provides guidance on the practical application of legal requirements established in the statute and EEOC regulations. It also provides a directory of resources to aid in compliance. The *Manual* is designed to be updated periodically with supplements as the Commission develops further policy guidance and identifies additional resources. The document is available in braille, large print, audiotape, and electronic file on computer disk and electronic bulletin board (call 202/514-6193). To order copies of the *Manual* and other technical assistance documents, call EEOC on 1-800-669-EEOC (voice) or 1-800-800-3302 (TDD).

Contact the following agencies for more specific information about ADA requirements affecting:

- Employment

  Equal Employment Opportunity Commission
  1801 L Street, NW
  Washington, D.C. 20507
  Publications: 1-800-669-EEOC

- Public services and public accommodations

  Disabilities Rights Section
  U.S. Department of Justice
  P.O. Box 66118

Washington, D.C. 20035-6118
202/514-0301 (Voice) or 202/514-0381 or -0383 (TDD)

- Accessible design in new construction and alterations

Architectural and Transportation Barriers Compliance Board
1331 F Street, NW
Suite 1000
Washington, D.C. 20004
1-800-USA-ABLE (Voice and TDD)

- Transportation

Department of Transportation
400 Seventh Street, SW
Washington, D.C. 20590
202/336-9305 (Voice) or 202/755-7687 (TDD)

- Telecommunications

Federal Communications Commission
1919 M Street, NW
Washington, D.C. 20554
202/632-7260 (Voice) or 202/632-6999 (TDD)

- Disability-related tax credits and deductions

Internal Revenue Service
Office of the Chief Counsel
P.O. Box 7604
Ben Franklin Station
Washington, D.C. 20044
202/566-3292 (Voice)

Telecommunications Act of 1996

Introduction

On February 8, 1996, President Clinton signed into law the Telecommunications Act of 1996. This law presents an enormous opportunity to improve K–12 schools--public and

private--by providing students with access to the vast educational resources on the Information Superhighway.

The Telecommunications Act of 1996 deregulates telephone service, cable, television and radio. The Federal Communications Commission (FCC) is directed by the Act to conduct a rulemaking process to specify the regulations to accompany the legislation. These regulations will include what services are subject to discounts and what the discounts should be. At the time of the printing of this Handbook, the regulatory process is not complete; however, the Federal-State Joint Board at the FCC will makes its recommendations to the FCC by November, 1996.

Universal Access and Service

Universal access and service is an evolving level of telecommunications services that the FCC will establish and update periodically. The Commission will consider the extent to which such telecommunication services are essential to education, public health, or public safety; have, through the operation of market choices by customers, been subscribed to by a substantial majority of residential customers; are being deployed in telecommunication networks by telecommunications carriers; and are consistent with the public interest, convenience, and necessity. The primary benefit of this provision for schools will be in reduced rates for telecommunications access. In fact, one of the specific requirements for rulemaking given to FCC under the Act is to issue rules requiring telephone providers to provide advanced telecommunication services to public and private schools, health care facilities, and libraries at preferential rates. As stated above, what services are subject to discounts and what the discounts should be has not yet been determined through the rulemaking process prescribed by the Act.

Further Information

For further information on the implications of the Telecommunications Act on private schools, contact the Office of Non-Public Education, U.S. Department of Education, 600 Independence Avenue, SW, Washington, D.C. 20202-0122, telephone 202/401-1365.

Appendix

Supplementary information and documents referred to in the text are printed in this Appendix.

U.S. DEPARTMENT OF EDUCATION

Richard W. Riley, Secretary

SECRETARY'S REGIONAL REPRESENTATIVES (SRR) AND DEPUTIES (DSRR)

REGION	STATES	SRR/DSRR	Address	Phone No.	Fax No.
I	CT, MA, ME, NH, RI, VT	Brenda Dann-Messier-SRR Jan Paschal-DSRR	U.S. Department of Education 540 McCormack Courthouse Boston, MA 02109-4557	(617)223-9317	(617)223-9324
II	NJ, NY, PR, VI	W. Wilson Goode, Acting-SRR Patricia Parisi-DSRR	U.S. Department of Education 75 Park Place, 12th Floor New York, NY 10007	(212)264-7005	(212)264-4427
III	DE, DC, MD, PA, VA, WV	W. Wilson Goode-SRR	U.S. Department of Education 3535 Market Street, Room 16350 Philadelphia, PA 19104	(215)596-1001	(215)596-1094
IV	AL, FL, GA, KY, MS, NC, SC, TN	Stanley Williams-SRR Judith Harwood-DSRR	U.S. Department of Education 101 Marietta Tower Bldg, Suite 2221 Atlanta, GA 30323	(404)331-2502	(404)331-5382
V	IL, OH, IN, WI, MI, MN	Stephanie Jones-SRR	U.S. Department of Education 111 North Canal Street, Suite 1094 Chicago, IL 60606-7204	(312)886-8215	(312)353-5147
VI	AR, LA, NM, OK, TX	Sally Cain-SRR Trinidad Garza-DSRR	U.S. Department of Education 1200 Main Tower Bldg, Room 2125 Dallas, TX 75202	(214)767-3626	(214)767-3634
VII	IA, KS, MO, NE	Sandra Walker-SRR	U.S. Department of Education 10220 North Executive Hills, Blvd. 9th Floor Kansas City, MO 64153-1367	(816)880-4000	(816)891-0578
VIII	CO, MT, ND, SD, UT, WY	Lynn Simons-SRR	U.S. Department of Education Regional Office, Federal Bldg. 1244 Speer Blvd, Suite 310 Denver, CO 80204-3582	(303)844-3544	(303)844-2524
IX	AS, AZ, CA, GU, HI, NV, CNMI	Loni Hancock-SRR	U.S. Department of Education 50 United Nations Plaza, Room 205 San Francisco, CA 94102	(415)437-7520	(415)437-7540
X	AK, ID, OR, WA	Carla Nuxoll-SRR	U.S. Department of Education Jackson Federal Bldg. 915 2nd Avenue, Room 3362 Seattle, WA 98174-1099	(206)220-7800	(206)220-7806

revised 4/30/96/D. Mayo

UNITED STATES DEPARTMENT OF EDUCATION

THE SECRETARY

STATEMENT BY SECRETARY RILEY ON AGUILAR v. FELTON

In 1985, the Supreme Court held in Aguilar v. Felton that it is unconstitutional for public school personnel to provide instruction in religiously-affiliated private schools under Title I of the Elementary and Secondary Education Act. This decision has caused continuing problems in the Title I program for both public and private school children who need extra help. I therefore support reconsideration of the Felton decision in an appropriate case. In my opinion, Felton does not advance the progress of education or pass the test of good common sense. At a time when school budgets are under increased scrutiny, Felton places an additional undue burden on them.

The Felton decision has had a significant negative impact on Title I services for the neediest children in both public and private schools. Importantly, the costs of compliance with Felton are taken off the top of the school district's total Title I allocation, prior to providing funds for comparable instructional services for public and private school children. Therefore, compliance with Felton reduces the amount of Title I funds available for public school children, as well as private school children. Also, in the years immediately following the decision, there was a dramatic decrease in the number of private school children participating in the Title I program. Although the number has increased in subsequent years, the underlying problems caused by the Felton decision continue. Instead of having Title I services in their own school buildings, as public school children generally have, religious school children must go to another location to receive instruction from a teacher. This creates not only logistical problems, but significantly increases costs (for such things as transportation or the purchase or rental of mobile vans) which adversely affects both public and private school children. I believe we must make more effective use of Title I dollars to support our neediest students in both public and private schools. Felton stands in the way of our doing so.

Based on a 1989 study by the General Accounting Office, we estimate that school districts have expended hundreds of millions of dollars on non-instructional costs in order to comply with Felton. For example, for the 1995-96 school year, New York City alone is budgeting $16 million for these costs. It is estimated that $10 million of this amount will come from a special Title I

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appropriation, but the remaining $6 million will have to come off the top of New York City's regular Title I grant. This $6 million could be used to serve 5600 additional needy students in both public and private schools, or alternatively to improve services for the thousands of children already being served under Title I in New York City. However, until Felton is reconsidered, New York City and other school districts must continue to comply with that decision.

As demonstrated by the facts of the original case, we believe that Title I services can be provided in private schools without aiding religion or creating excessive entanglement between government and religion. This Department has also supported and defended in litigation a variety of alternative arrangements for providing Title I services for private school children, including providing computer-assisted instruction in private schools and, in appropriate circumstances, parking mobile vans on or near private school property. There has been criticism, however, that even the alternative arrangements that have developed as a result of Felton are not the most educationally effective methods for providing Title I services. In addition, the Felton decision at times has caused unnecessary tension between public and private school officials concerning how and where Title I services should be provided for private school children.

In light of these continuing problems, I support efforts to have the Felton decision reconsidered in an appropriate case.

UNITED STATES DEPARTMENT OF EDUCATION

THE SECRETARY

February 29, 1996

Dear Superintendent:

In 1985, the Supreme Court held in Aguilar v. Felton that instructional services under Part A of Chapter 1 of the Education Consolidation and Improvement Act of 1981 could not be provided in religiously affiliated private schools. While I have expressed support for reconsideration of that decision in an appropriate case (see enclosure), the decision continues to apply to Part A of Title I of the Elementary and Secondary Education Act of 1965, as amended by the Improving America's Schools Act (Title I), the successor to the Chapter 1 program.

I am writing to reaffirm the view of the Department of Education, originally articulated in 1985, that the Felton decision need not have the effect of prohibiting on-premises services to religiously affiliated private school children in other federal programs. The Supreme Court has recognized that the implications of one decision under the Establishment Clause are not always clear for other cases presenting different facts and circumstances.

The special statutory schemes and problems relating to other programs were not before the Supreme Court when it decided Felton. In Zobrest v. Catalina Foothills School Dist., 113 S. Ct. 2462 (1993), for example, the Supreme Court subsequently has held that the Establishment Clause did not prevent a school district from providing sign language interpreter services for a deaf student on the premises of a religious high school under a program funded by the Individuals with Disabilities Education Act. With respect to other programs such as the Bilingual Education Act, a prohibition of on-premises instructional services may make it impossible to provide authorized programs involving bilingual instruction in a wide range of academic subjects.

For these legal reasons and because of the educational concerns summarized in the enclosed statement, the Department of Education does not believe that the Felton decision need be applied beyond the circumstances clearly addressed by that case. I shall keep you advised of further legal developments in this area. If you are aware of

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Our mission is to ensure equal access to education and to promote educational excellence throughout the Nation.

any controversy, including litigation, in which it is contended that Felton extends to other educational programs, please inform Judith Winston, my General Counsel. The Department intends to review any effort to apply Felton beyond its specific circumstances.

Yours sincerely,

Dick Riley

Richard W. Riley

Enclosure

cc: Chief State School Officers
State Directors of Special Education

Regional Technology in Education Consortia

Northwest R-TEC Region
Serving AK, WA, OR, ID, MT, WY
Contact:
Seymour Hanfling
Acting Director, Technology Programs
Northwest Regional Educational Laboratory
101 S.W. Main Street, Suite 500
Portland, OR 97204-3297
Phone: 503/275-9500
Fax: 503/275-9584
E-mail: hanflins@nwrel.org

North Centeral R-TEC Region
Serving ND, SD, MN, IA, WI, IL, MI, IN
Contact:
Rafael Ramirez
Director, North Centeral Regional Technology in Education Consortium
North Centeral Regional Educational Laboratory
1900 North Spring Road, Suite 300
Oak Brook, IL 60521-1480
Phone: 708/218-1272
Fax: 708/218-4989
E-mail: rramirez@ncrel.org

Northeast R-TEC Region
Serving OH, PA, NY, VT, ME, NH, MA, RI, CT, NJ, DE, DC, MD
Contact:
Bonnie Brownstein and Michael Ribaudo, Co-Directors
NetTech - Northeast Reigonal Technology in Education Consortium
City University of New York
555 West 57th Street
New York, NY 10019
Phone: 212/541-0972
Fax: 212/541-0357
E-mail: blbbh@cunyvm.cuny.edu

Pacific/Southwest R-TEC Region
Serving CA, NV, UT, AZ, CO, NM

Contact:
Kevin Rocap
Southwest and Pacific Regional Technology in Education Consortium
Center for Language Minority Education and Research
c/o College of Education
California State University, Long Beach
1250 Bellflower Boulevard
Long Beach, CA 90840-2201
Phone: 310/985-1570
Fax: 310/985-4528
E-mail: krocap@csulb.edu

South Central R-REC Region
Serving NE, KS, MO, OK, TX
Contact:
Jerry D. Chaffin and Ron Aust
Co-Directors, South Central Regional Tehcnology in Education Consortium
Center for Research on Learning
University of Kansas
Suite 2021 - Dole Human Development Building
Lawrence, KS 66045
Phone: 913/864-0699 or 864-4954
Fax: 913/864-4149
E-mail: jchaffin@quest.sped.ukans.edu

Southeast and Islands R-TEC Region
Serving AR, LA, MS, KY, TN, AL, WV, NC, SC, GA, FL, VI, PR
Contact:
Jean Williams, Instructional Technology Programs
SERVE, Inc.
P.O. Box 5406
Greensboro, NC 27412
Phone: 910/334-3211
Fax: 910/334-3268
E-mail: jean.williams@bbs.serve.org

Parent Resource Centers Are Open in 28 States

Families in 28 states from Maine to California will have the opportunity to seek support from parent information and resource centers that have opened after receiving grants as part of the Goals 2000: Educate America Act. These parent centers respond to local conditions with their own priorities and activities, but they share a common objective to help families get involved in their children's learning. A list of the centers is provided below with a contact name to find out the specific services offered, including parent-to-parent training activities, hotlines, mobile training teams, resource and lending libraries, support groups, and referral networks.

Each center serves the entire state in which it is located or a region of that state, and includes both urban and rural areas. While information and assistance may be provided to any parent, the centers are required to target areas with high concentrations of low-income, minority, and limited-English-proficient parents.

Contact	Program Address	State	Phone
Ernie Salgado	Native American Parental Asistance Program P.O. Box 366	San Jacinto, CA 92383	909-654-2781
Donna Garnett	Colorado Parent Information & Resource Ctr 1445 Market St. Suite 220	Denver, CO 80202	303-820-5631
Audrey Epperson	Greater Washington Urban League 3501 14th St. NW	Wash. DC 20010	202-265-8200
Mary Lindsey	Florida Center for Parental Involvement 7406 Dixon Ave.	Tampa, FL 33604	813-229-3179
Jo Granberry	Parental Training Resource Assistance Ctr P.O. Box 1726	Albany, GA 31702-1726	912-888-0999
Helenann Lauber	Parents & Children Together 1475 Linapuni Street, Rm 117-A	Honolulu, HI 96819	808-841-6177
Ronn Mirr	Iowa Parent Resource Ctr 1025 Penkridge Dr.	Iowa City, IA 52246	319-354-5606
Judy L. Planck	Parental Assistance Program 203 High St.	Flemingsburg, KY 41041	606-845-0081
Christine Snook	Family Resource Project P.O. Box 2067	Augusta, ME 04338-2067	207-582-2504
Carol Walsh	Parenting Resource & Support Partnership 332 W. Edmonston Dr.	Rockville, MD 20852	301-294-4959
Palmer Swanson	Mass. Parent Training & Empowerment Project MIT Building 20, Room 129	Cambridge, MA 02139	617-253-7093
Deanna DePree	Families United for Success 272 East 8th Street, Suite B	Holland, MI 49423	616-396-7566
Sharmin Davis Jamison	Families & Schools Together (FAST) Forward 4826 Chicago Ave., South	Minneapolis, MN 55417	612-827-2966
Diana S. Schmidt	Missouri Partnership for Parenting Assistance 300 S. Broadway	St. Louis, MO 63102	314-421-1970
Leisa Whittum	Center for Healthy Families 3196 S. Maryland Parkway #307	Las Vegas, NV 89109	702-731-6373
Deborah Bennis	Building Family Strengths P.O. Box 1422	Concord, NH 03302-1422	603-224-7005
Joanne Oppelt	Prevent Child Abuse - New Jersey 35 Halsey Street, Suite 300	Newark, NJ 07102-3031	201-643-3710
Patricia Edwards	CONNECTIONS P.O. Box 545	Geneseo, NY 14454	716-245-5681
Claudia Ollivierre	Parents in Partnership Project P.O. Box 16	Davidson, NC 28036	704-892-1321
Elizabeth Yaryan	Ohio Parent Information Ctr. 4837 Ward St.	Cincinnati, OH 45227	513-272-0273
Pat Lowther	Parents As Partners in Education 4801 N. Classen, Suite 200	Oklahoma City, OK 73118	405-840-1359
Barbara Mooney	S.W. Penn. Parental Assistance Center Project 22 West High St.	Waynesburg, PA 15370	412-852-2893
Mary Baumeister	Black Hills Parent Resource Network P.O. Box 218	Sturgis, SD 57785	605-347-4467
Marilyn Tucker	Parents First 421 Great Circle Road, Suite 104	Nashville, TN 37228	615-255-4982
Mary Ellen Nudd	Family Focus Project 8401 Shoal Creek Blvd.	Austin, TX 78757	512-454-3706
Sue Harding	Vermont Family Resource Project P.O. Box 646	Middlebury, VT 05753	802-388-3171
Marilyn Littlejohn	Children's Home Society of Washington 201 South 34th St.	Seattle, WA 98408	206-472-3955
Susan R. Werley	Parents Plus P.O. Box 452	Menasha, WI 54952-0452	414-729-1787

JOIN THE PARTNERSHIP FOR FAMILY INVOLVEMENT IN EDUCATION...
FAMILY-SCHOOL PARTNERSHIP PROMISE

Families and schools across America are increasingly accepting mutual responsibility for children's learning. When families are involved in children's learning, at school and at home, schools work better and students learn more. Schools and families are working with employers and community organizations to develop local partnerships that support a safe school environment where students learn to challenging standards. By working together, exchanging information, sharing decision-making, and collaborating in children's learning, everyone can contribute to the education process.

Coming together as families, local school board governance, administration, teachers and school staff, we form this partnership and affirm the importance of family involvement in children's learning. We pledge to:

- **Share responsibility** at school and at home to give students a better education and a good start in life.

  --Our school will be welcoming to families; reach out to families before problems arise; offer challenging courses; create safe and drug-free learning environments; organize tutoring and other opportunities to improve student learning; and support families to be included in the school decision-making process.

  --Our families will monitor student attendance, homework completion and television watching; take the time to talk with and listen to their children; become acquainted with teachers, administrators and school staff; read with younger children and share a good book with a teen; volunteer in school when possible; and participate in the school decision-making process.

- Promote effective **two-way communication** between families and schools, by schools reducing educational jargon and breaking down cultural and language barriers and by families staying in touch with the school.

- **Provide opportunities** for families to learn how to help their children succeed in school and for school staff to work with families.

- Support family-school efforts to improve student learning by **reviewing** progress regularly and strengthening cooperative actions.

We would like to become a member of the Partnership for Family Involvement in Education. We commit to family-friendly practices and will work with others to form partnerships that support children's learning. (Please type or print the following.)

Principal_____ Signature_____

Parent Organization Representative_____ Signature_____

School _____

Teacher Representative_____ Signature_____

School Staff Representative_____ Signature_____

Contact person_____ Title_____

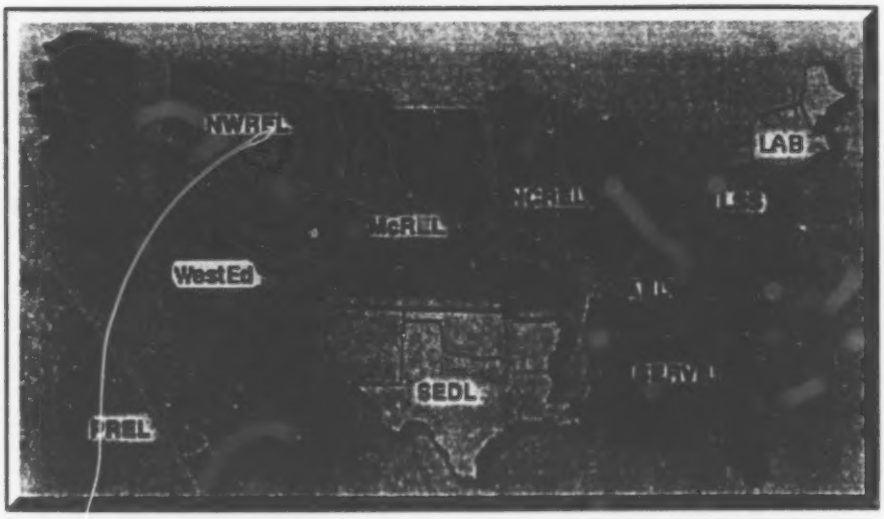
Address_____

City_____ State_____ Zip_____

Phone_____ Fax_____ E-mail_____

Send to: Partnership for Family Involvement in Education, 600 Independence Avenue, SW, Washington, DC 20202-8173 or fax to 202/401-3036 to receive your Family-School Partnership Promise certificate.

A National Network of Regional Educational Laboratories



The Regional Educational Laboratories are educational research and development organizations supported by contracts with the U.S. Education Department, Office of Educational Research and Improvement (OERI). This home page is the central organizer for their Internet-based Educational R&D Network. Click on a region of the context-sensitive map to branch to that region's Web server (if one is available), or on the resource list that follows.

The Regional Educational Laboratories also maintain a National Gopher.

Appalachian Region

States Served: *KY, TN, VA, WV*
Organization: Appalachia Educational Laboratory, Inc. (AEL)
Executive Director: Dr. Terry Eidell (eidellt@ael.org)
Address:

1031 Quarrier Street, PO Box 1348 Charleston, WV 25325
Voice: (304) 347-0400 or (800) 624-9120
Fax: (304) 347-0487

Specialty Area: Rural Education

Western Region

States Served: *AZ, CA, NV, UT*
Organization: WestEd
Executive Director: Dr. Dean Nafziger
Inquiries: Tom Ross (tross@fwl.org)

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Address:

730 Harrison Street San Francisco, CA 94107
Voice: (415) 565-3000
Fax: (415) 565-3012

Specialty Area: Assessment and Accountability

Central Region

States Served: *CO, KS, MO. NE, ND, SD, WY*
Organization: Mid-continent Regional Educational Laboratory (McREL)
Executive Director: Dr. J. Timothy Waters, Executive Director (twaters@mcrel.org)
Address:

2550 S Parker Road, Ste 500, Aurora, CO 80014
Voice: (303) 337-0990
Fax: (303) 337-3005

Specialty Area: Curriculum, Learning and Instruction

Midwestern Region

States Served: *IA, IL, IN, MI, MN, OH, WI*
Organization: North Central Regional Educational Laboratory (NCREL)
Executive Director: Dr. Jeri Nowakowski (nowakows@ncrel.org)
Address:

1900 Spring Road, Ste 300, Oak Brook, IL 60521
Voice: (708) 571-4700
Fax: (708) 571-4716

Specialty Area: Technology

Northwestern Region

States Served: *AK, ID, MT, OR, WA*
Organization: Northwest Regional Educational Laboratory (NWREL)
Executive Director: Dr. Ethel Simon-McWilliams (simone@nwrel.org)
Address:

Address: 101 SW Main Street, Ste 500, Portland, OR 97204
Voice: (503) 275-9500 or (800) 547-6339
Fax: (503) 275-9489

Specialty Area: School Change Processes

Pacific Region

States Served: *American Samoa, Commonwealth of the Northern Mariana Islands, Federated States of Micronesia, Guam, Hawaii, Repulic of the Marshall Islands, Repulic of Paleu*
Organization: Pacific Region Educational Laboratory (PREL)
Executive Director: Dr. John Kofel (kofelj@prel-oahu-1.prel.hawaii.edu)
Address:

828 Fort Street Mall, Ste 500, Honolulu, HI 96813
Voice: (808) 533-6000
Fax: (808) 533-7599

Specialty Area: Language and Cultural Diversity

Northeastern Region

States Served: *CT, MA, ME, NH, NY, PR, RI, VI, VT*
Organization: Northeast and Islands Laboratory at Brown University (LAB)
Executive Director: Dr. Mary Lee Fitzgerald (Mary_Lee_Fitzgerald@Brown.edu)
Address:

144 Wayland Avenue, Providence, RI 02906-4384
Voice: (401) 274-9548 (800) 521-9550
Fax: (401) 421-7650

Specialty Area: Language and Cultural Diversity

Mid-Atlantic Region

States Served: *DC, DE, MD, NJ, PA*
Organization: Mid-Atlantic Laboratory for Student Success (LSS)
Executive Director: Dr. Margaret Wang (mcw@vm.temple.edu)
Address:

933 Ritter Annex, 13th and Cecil B. Moore, Philadelphia, PA 19122
Voice: (215) 204-3001

Specialty Area: Urban Education

Southeastern Region

States Served: *AL, FL, GA, MS, NC, SC*
Organization: SouthEastern Regional Vision for Education (SERVE)
Executive Director: Dr. Roy Forbes (rforbes@serve.org)
Address:

PO Box 5367 Greensboro, NC 27435
Voice: (910) 334-3211 or (800) 755-3277

Fax: (910) 334-3268

Specialty Area: Early Childhood Education

Southwestern Region

States Served: *AR, LA, NM, OK, TX*
Organization: Southwest Educational Development Laboratory (SEDL)
Executive Director: Dr. Preston Kronkosky
Address:

211 East Seventh Street, Austin, TX 78701
Voice: (512) 476-6861
Fax: (512) 476-2286

Specialty Area: Language and Cultural Diversity

NWREL - *Last Revised : 2/26/96*

CONTACTS IN FEDERAL AGENCY HEADQUARTERS FOR EXCESS AND SURPLUS PROPERTY

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Washington, DC 20407
(202) 755-0290

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10 Causeway Street
Boston Federal Office Building
Boston, MA 02222
(617) 565-7319

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New Jersey, New York, Puerto Rico, and Virgin Islands

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New York, NY 10278
(212) 264-2034

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Philadelphia, PA 19107
(215) 656-3924

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(415) 744-5234

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Addresses and Telephone Numbers of the State Agencies for Surplus Property

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P.O. Box 210487
Montgomery, AL 36121
(205) 277-5866

Alaska
2400 Viking Drive
Anchorage, AK 99501
(907) 279-0596

American Samoa
P.O. Box 3613
Pago Pago, AS 96799
(684) 699-1170

Arizona
1537 West Jackson Street
Phoenix, AZ 85007
(602) 542-5701

Arkansas
8700 Remount Road
North Little Rock, AR 72118
(501) 835-3111

California
701 Burning Tree Road
Fullerton, CA 92633
(714) 449-5900

92

Colorado
4200 Garfield Street
Denver, CO 80216-6517
(303) 321-4012

Connecticut
P.O. Box 290170
60 State Street
Wethersfield, CT 06129-0170
(203) 566-7018

Delaware
P.O. Box 299
Delaware City, DE 19706
(302) 836-7640

District Of Columbia
2000 Adams Place, NE
Washington, DC 20018-3689
(202) 576-6472

Florida
813-A Lake Bradford Road
Tallahassee, FL 32304
(904) 488-3524

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1050 Murphy Avenue
Atlanta, GA 30310
(404) 756-4800

Guam
P.O. Box 884
Agana, GU 96910
(671) 472-1725

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Honolulu, HI 96819
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Boise, ID 83720-0086
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(502) 564-4836

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Jessup, MD 20794
(301) 596-1080/
(410) 799-0440

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Lansing, MI 48909
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New Brighton, MN 55112
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(601) 939-2050

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(314) 751-3415

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Helena, MT 59620-0137
(406) 444-4514, Ext. 125

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(402) 471-2677

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(702) 688-1161

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Concord, NH 03301
(603) 271-2602

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Edison, NJ 08817
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Santa Fe, NM 87505-4757
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(518) 457-3264

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1950 Garner Road
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Raleigh, NC 27611
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IGOE Industrial Park, Bldg. 12
P.O. Box 7293
Bismarck, ND 58502-7293
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Northern Mariana Islands
P.O. Box 11355
Saipan, MP 96950
(670) 322-9441

Ohio
4200 Surface Road
Columbus, OH 43228-1395
(614) 466-4485

Oklahoma
3100 North Creston
P.O. Box 11355
Oklahoma City, OK 73136
(405) 425-2700

Oregon
1655 Salem Industrial Dr., NE
Salem, OR 97310
(503) 378-4714/4711, Ext. 304

Pennsylvania
P.O. Box 1365
2221 Forster Street
Harrisburg, PA 17105
(717) 787-5940

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San Juan, PR 00905
(809) 722-3565

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701 Power Road
Cranston, RI 02920
(401) 464-3452

South Carolina
1441 Boston Avenue
West Columbia, SC 29170
(803) 822-5490

South Dakota
20 Colorado Avenue, SW
Huron, SD 57350-1898
(605) 353-7150

Tennessee
6500 Centennial Boulevard
Nashville, TN 37243-0543
(615) 741-1711

Texas
1711 San Jacinto
P.O. Box 13047
Austin, TX 78711-3047
(512) 475-2453

Utah
522 South 700 West
Salt Lake City, UT 84104-1093
(801) 533-5885

Vermont
Rural Route 2, Box 520
Montpelier, VT 05602
(802) 828-3394

Virginia
1910 Darbytown Road
Richmond, VA 23231
(804) 236-3664

Virgin Islands
Sub Base Bldg. No.1
St. Thomas, VI 00802
(809) 774-0414

Washington
2805 C Street, SW
Bldg. 5, Door 49
Auburn, WA 98001-7401
(206) 931-3977

West Virginia
2700 Charles Avenue
Dunbar, WV 25064
(304) 766-2626

Wisconsin
One Foundation Circle
Waunakee, WI 53597-8914
(608) 266-1551/849-2449

Wyoming
2045 Westland Road
Cheyenne, WY 82002-0060
(307) 777-7901

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Your Rights
Under The
Family and Medical Leave Act of 1993

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to "eligible" employees for certain family and medical reasons. Employees are eligible if they have worked for a covered employer for at least one year, and for 1,250 hours over the previous 12 months, and if there are at least 50 employees within 75 miles.

Reasons For Taking Leave:

Unpaid leave must be granted for *any* of the following reasons:

- to care for the employee's child after birth, or placement for adoption or foster care;
- to care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or
- for a serious health condition that makes the employee unable to perform the employee's job.

At the employee's or employer's option, certain kinds of *paid* leave may be substituted for unpaid leave.

Advance Notice and Medical Certification:

The employee may be required to provide advance leave notice and medical certification. Taking of leave may be denied if requirements are not met.

- The employee ordinarily must provide 30 days advance notice when the leave is "foreseeable."
- An employer may require medical certification to support a request for leave because of a serious health condition, and may require second or third opinions (at the employer's expense) and a fitness for duty report to return to work.

Job Benefits and Protection:

- For the duration of FMLA leave, the employer must maintain the employee's health coverage under any "group health plan."
- Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.
- The use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

Unlawful Acts By Employers:

FMLA makes it unlawful for any employer to:

- interfere with, restrain, or deny the exercise of any right provided under FMLA;
- discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

Enforcement:

- The U.S. Department of Labor is authorized to investigate and resolve complaints of violations.
- An eligible employee may bring a civil action against an employer for violations.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

For Additional Information:

Contact the nearest office of the Wage and Hour Division, listed in most telephone directories under U.S. Government, Department of Labor.

U.S. Department of Labor
Employment Standards Administration
Wage and Hour Division
Washington, D.C. 20210

WH Publication 1420
June 1993

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GPO : 1993 O - 355-55

COUNCIL FOR AMERICAN PRIVATE EDUCATION

The Council for American Private Education (CAPE) was founded in 1971 to provide a coherent private school voice in the education community. This coalition of 13 national organizations serving private elementary and secondary schools is based in Washington, D.C. Member organizations are nonprofit and subscribe to a policy of nondiscrimination for admission. At present, 30 state affiliates extend the coalition concept throughout the country. CAPE member organizations represent about 75 percent of the total private school enrollment.

The CAPE member organizations are diverse: religious and nonreligious, urban and rural, small and large. The members of CAPE's Board of Directors meet, deliberate, and strive to reach agreement on important public policy issues. They are motivated by the concepts of opportunity, choice, and excellence in education for all of America's children.

According to *CAPE: Voice of the Nation's Private Schools:*

> The significant numbers of students and teachers in private schools, the concept of pluralism, and the diversity of the private school organizations require a strong advocacy and, where possible, a common voice on behalf of all private schools. The purposes of CAPE, then, are to assist and strengthen the efforts of its member organizations and the private schools they represent and to serve effectively the free society from which they derive their independence.

For further information about CAPE, write or telephone:

Joe McTighe, Executive Director
Council for American Private Education
18016 Mateny Road, #140
Germantown, MD 20874
301/916-8460
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cape@connectinc.com

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